

The nomination was confirmed.

(Mr. LUJÁN assumed the Chair.)

The PRESIDING OFFICER (Mr. KING). The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MOTION TO DISCHARGE

Mr. SCHUMER. Mr. President, pursuant to S. Res. 27, the Senate Judiciary Committee being tied on the question of reporting, I move to discharge the Senate Judiciary Committee from further consideration of the nomination of Rachael S. Rollins, of Massachusetts, to be United States Attorney for the District of Massachusetts.

The PRESIDING OFFICER. Under the provisions of S. Res. 27, there will now be up to 4 hours of debate on the motion, equally divided between the two leaders or their designees, with no motions, points of order, or amendments in order.

Mr. SCHUMER. For the information of all Senators, we expect the vote on the motion to discharge to occur later this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

#### VACCINE MANDATE

Mr. LEE. Mr. President, this always happens near the kick-the-can funding deadlines that we are now approaching. There is controversy surrounding what will and what will not make it into the continuing resolution; that is, the legislation funding the government for a finite period of time upon the expiration of a spending period.

In the House of Representatives, the debate and controversy continued late into last night, and may well still continue later today.

Here in the Senate, there are a number of Senators, including me, who are not inclined to give consent to expedite a funding measure that supports and funds President Biden's unconstitutional and sweeping vaccine mandate without holding a vote on that mandate and whether we should fund that part of government charged with enforcing it.

Now, to be very clear about all of this, Senator SCHUMER, as the majority leader, could have done this without our help if he had started this process weeks ago or even days ago. He could have held votes and passed this resolution without needing to ask for the help of those of us who feel this way, who are not inclined to help him do it.

Senator SCHUMER is in a bind, due to his own delay and his own denial. He is asking all of us to help him.

Now, I have offered a very simple solution, a very reasonable solution. I am not asking that a poison pill or a pet project be included, no. I am not ask-

ing for dramatic reforms or draconian cuts. Far from it. I just want to vote on one amendment. I want the Members of this body to go on record on whether they support funding—in this bill—President Biden's vaccine mandate.

The American people have a right to know, through our votes, where we stand and where we stand in connection with this bill, on a germane amendment—one that pertains to that, a simple up or down, yes or no—simple majority vote. That is all I am asking.

Let me first explain a little bit about the recent history of this situation. While those involved in this effort have been accused by many in elected office and in the press of brinksmanship, we have been nothing but consistent and clear and open about our position for weeks now—in fact, for a month.

On November 3, a group of Senators—15 of us, in fact—declared our intentions, sending this letter to Senator SCHUMER. And in this letter, we made very clear that we will “not support—and will use all means at our disposal to oppose—legislation that funds or in any way allows the enforcement of President Biden's employer vaccine mandate.”

Now, 15 Senators have signed this letter. And there it is right there in black and white—the words that I just read in that letter from a month ago. The letter—again, written back at the beginning of November—specifically mentions this funding deadline—the one we are now approaching; the one that is hitting us tomorrow night—as one for Senator SCHUMER and our colleagues to be aware of that we made our intentions clear. We did so out of courtesy to the majority leader and to those we represent: to the American people, those who will be affected by these matters.

And now, as a matter of political convenience, he and others are saying “their unwillingness to come to the table,” which is the reason we are now approaching the deadline without an agreement, somehow amounts to an act of brinksmanship on our part.

That portrayal is disingenuous, and it is wrong. After running out the clock, knowingly, deliberately not coming to the table to negotiate, and ignoring our clear, public position, Senator SCHUMER is now accusing us of wanting to shut down the government because we refuse to help him cram through a bill that we have already explicitly stated we are against. We are providing every opportunity to avoid a shutdown, and all we ask for is a simple up-or-down vote.

Now, I stand by the commitment I made not to support or grant consent to pass or expedite a measure that funds, supports, or allows for the enforcement of the President's vaccine mandates.

Now, it is true that the U.S. Court of Appeals for the Fifth Circuit has issued an order halting enforcement of the OSHA mandate, and that OSHA has temporarily halted the enforcement of

that particular mandate. That does not in any way remove our obligation here in Congress to protect our Constitutional role and to prevent unconstitutional measures, laws, and regulations from afflicting the American people.

We still don't know the final outcome of that litigation. In any event, we have an independent responsibility—constitutionally and morally—to make sure that what we do here has our oversight and that we don't spend money on things that most Americans find abhorrent.

Each of us did, in fact, swear an oath to the Constitution, and the Constitution does not grant the Federal Government the authority to implement a mandate of this sort. It just doesn't. You can search it; you will not find that authority. The Constitution certainly does not grant the President of the United States the authority to implement such a mandate without the explicit authorization of the people's elected lawmakers in Congress.

Make no mistake, this mandate is not only immoral; it is also unconstitutional. For that reason alone, I must oppose it.

But the harms certainly don't stop with the damage that is being done to our constitutional order. Millions of Americans are at risk of losing their jobs due to this mandate. While court orders are offering at least a temporary protection, these Americans are still anxiously awaiting lasting protection from Congress, and currently could receive at a moment's notice the final ultimatum to be vaccinated or lose their jobs.

In fact, in fear of the huge fines that the Biden administration is threatening against businesses that don't comply once the mandate is enforced, many companies are already imposing these requirements on their workers.

Countless businesses and hundreds of Utahns who are at risk of closure or dismissal have reached out to me. Their stories are heart-wrenching. These are good people. They are our friends and our neighbors. They are neighborhood businesses and American manufacturers, mothers and fathers trying to get by in increasingly difficult economic times. There are millions of them across the country. Over half a million workers in Utah alone are at risk of unemployment due to this mandate.

As I have said each time I have spoken on this, I am not against the vaccine. In fact, I have gotten the vaccine. My family has gotten the vaccine. I have encouraged people to get the vaccine. I am against the mandate.

I recognize that these vaccines are protecting Americans from the harms of COVID-19, and that the government has no business, no authority, and no justification to make millions of Americans second-class, unemployable pariahs. Even if the Federal Government did have that authority, which it

doesn't, the President of the United States could not exercise it unilaterally, not without an act of Congress.

Our economic condition is increasingly dire. Inflation is becoming long-lasting. The supply chain crisis has shown the prime value of American workers. You know, I can't think of a worse time to kick them to the curb.

I want to be very clear: I don't want to shut down the government. The only thing I want to shut down is Congress's funding enforcement of an immoral, unconstitutional vaccine mandate. However, if the choice is between temporarily suspending nonessential functions on the one hand and on the other hand standing idle, as up to 45 million Americans lose their jobs, their livelihoods, and their ability to work, I will stand with American workers every time. That is not a closed question.

I stand with American workers throughout Utah and across America. I stand with moms and dads needing gifts and paychecks before the holidays.

I stand by what I and others committed to as our word, that word given a month ago without response. I won't support a continuing resolution that funds President Biden's grievous, immoral, unconstitutional vaccine mandate, and I just want to vote on it in connection with this spending bill. All I am asking for is a vote. It would take 15 minutes. We could do it right now, in fact.

If Senator SCHUMER wants to avoid this vote so badly that he will shut down the government rather than hold it, he should explain why. We can fix this situation right now. Let's hold a vote. Let's hold it right now.

The PRESIDING OFFICER. The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—H.R. 8

Mr. MURPHY. Mr. President, I am on the floor today to ask for unanimous consent from my colleagues to proceed to H.R. 8, the House-passed, bipartisan, comprehensive background checks bill. I want to tell you why I am making this request.

I understand the low likelihood of success, but I hope many of my colleagues took a minute to watch cell phone video from the school shooting in Michigan yesterday—on Tuesday, excuse me. It is absolutely terrifying to watch in real time children fleeing their classroom in fear that their lives were about to be ended. One hundred 9-1-1 calls came into the police during the shooting. Surveillance footage reportedly shows the gunman entering the bathroom with a backpack, then exiting a minute later without the backpack but with the handgun. He then started firing at students. When they started to run, he "methodically and deliberately" walked down the hallway and aimed his gun into classrooms at students who were unable to escape.

We think about the damage done and the number of lives lost—four so far—and those who were injured, but, real-

ly, the damage is so much broader because all of those kids who fled that violence, all of those kids who now don't think of school as a safe place—they are going through trauma and will go through trauma that may take a lifetime to address. Multiply that times millions because that is what is happening to kids all across this country who don't feel school is a safe place any longer, who don't think their neighborhoods are a safe place any longer, who grow up in parts of this country in which everyday gun violence is routine. They don't believe they will live past the age of 25.

The damage happening across this country is acute. It is real. It is pervasive. This is an epidemic of gun violence that exists in the United States and nowhere else. The risk, though, is that this country thinks about gun violence only when there is a mass shooting or only when there is a shooting at a school.

On Tuesday, the same day that the country was captivated by these terrifying images out of Oxford High School, in Taylor, TX, four bodies were found at a home in that town after an apparent murder-suicide. Police said that Anthony Davis, 57 years old, shot and killed his wife, his wife's stepchild, and the stepchild's romantic acquaintance—four people dead in Taylor, TX. Nobody knows about that nationally. Nobody knows about the other 50 to 100 people who died of gun violence on Tuesday.

This happens every single day in this country at a rate 10 times higher than any other country in the high-income world. It only happens in the United States of America. And we let it happen as a body. We let it happen as a body because it is not that we are unlucky in the United States; this is a policy choice that we make.

Let's be honest—the reason that we can't get anything done in the Senate is not because there is a disagreement amongst our constituents about what to do. Our constituents, Republicans and Democrats, support measures like universal background checks. In fact, there is almost nothing in the political world that enjoys such high support as universal background checks. Eighty percent, ninety percent of Americans—the majority of Republicans, Democrats, gun owners, non-gun owners—support universal background checks. But we can't get it done because it seems as if many of my colleagues here care more about the health of the gun industry and their profits than they do about the health of our kids. Gun industry profits are being put ahead of the safety of my children, of our children.

Shooting after shooting. Republicans in this body have refused to do anything meaningful that would reduce this pace of carnage, both in our schools and on the streets of America. As I said, it is not as if we don't know what the answer is.

Let me give you a remarkable statistic. In 2020, we saw a pretty substan-

tial increase in violent crime all across the country. That increase was about 5 percent, and a lot of that was gun crime. Gun crime went up by 25 percent during 2020. But let's break down that number between the States that have universal background checks and the States that don't have universal background checks. There was a 5-percent overall increase in violent crime in the United States, but in 2020, in States that did not have and don't have universal background checks—meaning a criminal can get a gun at a gun show or online without any background check—in those States, violent crime went up 8 percent higher than the national average. What about the States like Connecticut that have universal background checks, where we make sure everybody gets a background check before they buy a gun? In those States, violent crime went up in 2020 by less than 1 percent. That is pretty stunning. On a percentage basis, violent crime goes up by eight times the level in States without universal background checks as in States with universal background checks.

I can just run through the litany of studies that show the difference in murder rates, in gun crime between States that have universal background checks and those that don't. One of the most recent studies from 2019, a Harvard study, shows a 15-percent difference. Now, that is surprising because no matter how strong Connecticut's background checks law is, States that don't have background checks end up allowing people to buy guns there, and they come into Connecticut. So until we have a national requirement that everybody go through a background check before, at the very least, they buy a gun at a commercial sale, there is nothing Connecticut can do to make itself completely immune to the epidemic of illegal guns.

That is why we are on the floor today, myself, Senator BLUMENTHAL, and Senator DURBIN, to ask our colleagues to pass into law a bipartisan piece of legislation that has already passed the House of Representatives. This is a bill that would expand background checks to all sales in this country, with certain exceptions for transfers between immediate family members. This is a bill, as I mentioned, that is supported by the vast majority of Americans—one of the most popular policy proposals that exist in this country today. And it will save lives.

I mentioned the shooting in Texas because one of the critiques of this proposal often is, well, it wouldn't have stopped the last mass shooting. I don't claim that this proposal nor any other proposal to change the Nation's gun laws will have an effect on every single shooting, but the data is the data. These are the statistics.

This proposal is the most impactful when a State takes it. Universal background checks save lives, decrease gun violence, decrease violent crimes. The loss of life, when it is a shooting on the

streets of New Haven, one person being shot, that is just as shattering to the lives of the people who love that victim as is a mass shooting.

So I am hopeful that the Senate will make the decision today to pass this bill into law. I understand the chances are slim to none that this unanimous consent request will be adopted, but I am at my wit's end. I am at my wit's end. I am prepared to use whatever means I have as an individual Senator to come down here and press this case forward.

I ask at this point, knowing the Senator from Iowa is on the floor, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 8, the Bipartisan Background Checks Act of 2021, which was received from the House; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, I would like to give some remarks.

I want to start off with a process question to all the 100 Senators.

Obviously, this is an important issue with a lot of people. Democrats control every committee in this body, and this bill is being offered, when it could be brought up in the committee under regular order because they control the agenda of, in this case, the Judiciary Committee. So why hasn't that come up?

Then I would remind people that in 2013, we actually had a vote on a Grassley-Cruz amendment that got the most votes so far of any gun issues. That was in, I think, the year 2013.

Let's get to the issue that was brought up today by the Senator from Connecticut. Let me say that we have to have real regard for the position he takes because of the tragedy that happened in his State in 2012. Nobody is going to justify that. If they did, they would be crazy for trying to say that something bad like that happened and that it is not a crisis for everybody.

Let me start off by saying in regard to what happened in Michigan that the senseless tragedy we saw in that State should not have happened. The shooter, as we have been told, killed four and injured others in a shocking act of violence. I cannot imagine what those families of the victims are going through because I guess you would have to go through it to try to get their feeling about it. You see it expressed on television, but it doesn't make the same impact on the people who are listening that it makes on the family of the victims.

Difficult topics require across-the-aisle conversations, particularly when you have to have 60 votes to get anything done in this body. I would invite my colleagues across the aisle to have

a bipartisan conversation on this topic and a lot of related topics to it.

Violent crime and violence at schools are serious problems. I have supported legislative efforts to improve the National Instant Criminal Background Check System, which we call NICS. For example, I introduced the EAGLES Act, a bipartisan bill that would help reauthorize the U.S. Secret Service's National Threat Assessment Center, where they study targeted violence and proactively identify and manage threats before they result in tragedies.

However, in regard to the motion before us, I have serious concerns with the bill raised by the Senator from Connecticut. This bill is hostile toward lawful gun owners and lawful firearm transactions. This will not solve the problems that it seeks to solve.

So-called "universal" background checks will not prevent crime and will turn otherwise law-abiding citizens into criminals.

I have introduced legislation, along with Senators CRUZ and TILLIS, called Protecting Communities and Preserving the Second Amendment Act. Our bill will be much more effective than the underlying bill and has been supported by a majority of the Senate in the past.

And I think that is the same thing that I was referring to—a vote that got a majority but not 60 votes in 2013.

But the Democrat leadership has blocked that approach, which I assume that they will do again today.

This legislation, S. 1775, would reauthorize and improve NICS, increase resources for prosecution of gun crime, and address mental illness in the criminal justice system, which if it had been addressed properly in the case of the Parkland, FL, shooting, that individual who had been identified, I think, somewhere between 30 and 40 times as having very serious mental issues, if he had been identified, he would have been in the NICS system and not been able to buy that gun. And that is just one thing, mental illness being a problem.

And this legislation would also strengthen criminal law by including straw purchasing and illegal firearms trafficking statutes. It does that without burdening any Second Amendment rights of Americans.

In addition, this bill would require a commission to study and report to Congress the underlying causes and triggers for mass shootings. The commission and study proposed could not come at a more important time, and I urge my colleagues to support this legislation that I will suggest to the Senate on a UC request.

Therefore, Mr. President, I object to the motion that you have asked UC on.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. MURPHY. Mr. President, I know the Senator has his own UC request. I will just say two things very quickly. I am not surprised, but still disappointed, in the objection.

I take the Senator's advice seriously. We need 60 votes in order to pass legislation like H.R. 8 before this body, but I think, as the Senator knows, with Senator DURBIN's guidance, I have been involved in multiple rounds of talks with Republican Senators throughout the year about trying to find some common ground. I think anyone who has been part of those talks knows that I have been willing to bend; I have been willing to compromise. I am not going to let the perfect be the enemy of the good when it comes to saving lives. And if the Senator is making an offer to join those talks or to sit down, then count me in.

But so far, a year into maybe the most deadly year in my political lifetime with respect to gun violence, I haven't been able to find one Republican taker for a compromise on the issue of background checks.

And then I will gladly send to the Senator the reams of data showing that background checks, in fact, do make a difference. As I cited, just in 2020, we see the difference between States that have background checks and those that don't.

I look forward to continuing that conversation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—H.R. 8 AND S. 1775

Mr. GRASSLEY. Mr. President, as if in legislative session, I would ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 62, which is S. 1775, the Protecting Communities and Preserving the Second Amendment Act of 2021; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. MURPHY. Mr. President, reserving the right to object, let me concede that there are some laudable pieces to this legislation. It is not new to the body. As Senator GRASSLEY mentioned, this is something that has received a vote.

But in large part, it is a massive contraction of the universal background check system rather than what Americans support, which is an expansion of the background check system, and let me give you just two examples.

In this legislation there would be a change in law, such that for individuals who are subject to psychiatric confinement, the minute they leave that confinement, they get their gun rights restored. That is not the existing law. The existing law says that if you are so mentally ill that you have had to be inpatient, you don't get those gun rights restored unless you petition.

Second, this bill would say that for individuals who have been judged mentally incompetent—this is a regulatory term, not my term. But for individuals

who have been determined mentally incompetent by a Federal Government Agency, they would have their gun rights restored. Right now, those individuals are not allowed to possess guns, but they would under this proposal.

So this amendment, while it has some, I think, important pieces to it, in large part is a pretty massive contraction of the number of background checks that would be done in this country, and for that reason I would object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. I made the request. So there isn't any objection, so my bill passes?

The PRESIDING OFFICER. No. Objection is heard. He did object. Objection is heard.

Mr. GRASSLEY. Before I give up the floor, I would like to suggest that we can start sitting down with the Senator from Connecticut and a lot of other Senators who are interested in this issue, both on the Republican side and the Democrat side, with the legislation that I have suggested.

The other thing I would like to comment on, just to clarify, is the Senator's statement about the recapture of gun rights under our bill: He is right. But you have got to look at why those Second Amendment rights were taken away in the first place, and I think it is the same principle that applies to people that have gone through the Social Security system and the people that have gone through the VA system. It is as simple as a little thing, that you have got to have a third party handle your finances for your family or whatever finances you have. You have to have a third party to do it. That name gets put in the NICS system, and it shouldn't be there just because you can't handle your finances. That has got nothing to do with that you ought to be denied your Second Amendment rights.

And so our legislation provides a process to make sure that the due process of the Second Amendment rights that have been denied can be recaptured, so they can have the Bill of Rights as was intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish I could end this exchange on a hopeful note. I have come here so many times wishing that an exchange like this one could lead to progress. And we have offered again and again and again—the Senator from Connecticut on background checks, myself on red flag or emergency risk orders, on Ethan's Law with safe storage, on a myriad of proposals—to sit down with our colleagues and engage in the kind of constructive and positive dialogue that Senator GRASSLEY has suggested, and they have yielded nothing. And the reason they have yielded nothing is essentially that, unfortunately, our Republican colleagues remain in the grip

of a lobby—the gun lobby—which is waning in its impact across the country but still maintains its grip in this Chamber.

That is the grip we need to break. That is the grip that will be broken through the democratic process if the American people have their way. And the American people are changing in their view.

In fact, there is now a political movement. It is composed of the young people—March for Our Lives—who suffered in Parkland, FL, when they saw the same kind of shooting and suffered the same kind of trauma that those students did in Oakland County, MI.

And again and again and again, this tragedy has been repeated in schools across our country. We are here again with grief and sorrow for the lives taken by gun violence—needlessly and violently.

Four young people—Madisyn Baldwin, 17; Justin Shilling, 17; Hana St. Juliana, 14; Tate Myre, 16—were shot multiple times, as my colleague from Connecticut has described it in that video, among many others trying to escape.

Six other students and a teacher were injured, and their community is reeling from this horror—a horror of blood and flesh and lives cut short forever.

And their loved ones have joined a club, as it has been called—a club nobody wants to join. Nobody wants to be admitted.

In just 12 days, just 12 days from now, it will be the ninth anniversary of a tragedy whose survivors joined that club—the families of the Sandy Hook children—20 beautiful, innocent children and 6 dedicated, courageous educators at Sandy Hook Elementary School in Newtown, CT.

And whenever I talk about this subject in this Chamber, I see them in the Gallery. I see them in the Gallery on the day that we failed. We failed by just a handful of votes to reach the 60 that we needed to pass a background check proposal. And one of them shouted “shame.” “Shame.” And it was shameful and disgraceful that we failed to act on that day.

Think of how many lives we could have saved. You know, in this body, we talk endlessly, and sometimes we act in a way that can affect real lives and real people. We could have saved real lives and real people on that day—not all the lives lost to gun violence, the tens of thousands who have perished since then, but some of them.

“When you save one life, you save the world” is an adage in my faith. We had it within our grasp to save lives and to help save the world, but we failed then, and, again today, we failed, even with the impetus of that horror in our minds and before us played again and again.

And, for me, the voices of those survivors resonate. Their faces are forever with me, as they will be for all who knew the survivors of the Oakland, MI, tragedy.

They have become friends. They have become almost members of my family, and they relive their own tragedy when they see what happened in these shootings.

And the trauma affects not just the children in that school on Tuesday; it affects children everywhere.

Somebody said to me the other day: Do you know the three best words in the English language these days? “Back to normal.”

We want to go back to normal. After a year and a half of the pandemic, we want to go back to normal, put kids back in school, put teachers back in the classroom—back to normal.

We are back to normal in gun violence. In fact, we are worse than normal. We are back to normal with school shootings because kids are back in school, but the rate of gun violence has, if anything, explosively increased. This normal cannot be normalized. It cannot be made the new normal. The finality of evil cannot be taken for granted.

The shame that that vote, 9 years ago, brought to this body is a stain that will forever haunt us and haunts us evermore when we fail, as we did today, to provide real action. And there isn't any panacea. My colleague from Connecticut is absolutely right. No single proposal is a solution.

And there are others that we have advanced and tried to make it a matter of bipartisan support. Senator GRAHAM and I have worked on a red flag or emergency risk protection order statute that separates people from guns when they are dangerous to themselves or others, separates them when they are under a protective order and they buy those guns, or when a family member knows they are about to commit or take their own lives, not to mention other people's lives. More than half of all the gun deaths in this country are suicides. We can save those lives.

A large number of these deaths occur when children are playing with guns in their own homes because the guns have been unsafely stored. Ethan Song was killed in Connecticut because a parent failed to safely store a gun. Ethan's Law, requiring safe storage, would save lives.

Holding manufacturers accountable and depriving them of sweetheart deals that led to PLCAA—giving them immunity from any legal accountability—reversing that immunity would help to save lives in repealing PLCAA. There is more than one proposal that we need to seriously consider if we are going to have the kind of dialogue that my colleague Senator GRASSLEY suggested.

But the simple fact is, the House of Representatives did its job back in March when it passed that bipartisan legislation to expand background checks.

We are trying to do our job today, seeking unanimous consent from our colleagues to move forward on H.R. 8, and there is no rational explanation—

none—when the vast majority of American people, gun owners as well as NRA members, all backgrounds, all walks of life, all geographic areas, all demographic areas, support this measure.

So back to normal—we are back to normal. We cannot tolerate this normal. And as we approach that ninth anniversary of the Sandy Hook Elementary School shooting—and I recall that bleak day in December when we gathered at a firehouse with parents who were waiting to find out—waiting to know whether their children were still alive.

No matter what the ages of our children—I have four—we can relive that moment in our own minds, in our own hearts, and we can see in this Gallery those parents who came to speak truth to us, speak truth to power, and who will call us to account. The American people should call us to account for our failure to act today, our complicity in those deaths. This Congress is complicit. The Members who vote against these measures are complicit in the tragedies that follow.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Illinois.

**Mr. DURBIN.** Mr. President, I rise in support of my Connecticut colleagues in their effort to pass the bipartisan background check bill, H.R. 8.

I want to thank my friends Senator MURPHY and Senator BLUMENTHAL for their leadership on this issue.

I am sure, as Senator BLUMENTHAL just recounted, that tragic experience at Sandy Hook Elementary School 9 years ago is still fresh in their minds and motivates them to stand up, time and again, and to speak out on behalf of the families who lost their children and those wonderful educators and administrators who gave their lives that day.

What will it take? Is there a crime involving guns in America so horrific that finally we will say enough?

Other countries have. Australia did. They had a terrible shooting. They came to the conclusion that this was just unacceptable in their nation. They wouldn't let it become normal. Some States have done that. Connecticut did after Sandy Hook. They said our State will be different. We are not going to stand just idly by.

But when it comes here to Washington in this national legislature, in this Senate, it appears there is nothing sufficiently awful, so specifically outrageous that it will move us to act.

This last week, it was Oakland County, MI, Oxford High School. Four children got up in the morning, blurry-eyed, brushed their teeth, grabbed their lunches, headed off to school—and never came home. That was the reality of this.

Senator MURPHY has said those other students, lucky enough to survive, will never forget that day as long as they live. They will be telling their grandchildren about the day they had to dive out of a window to escape this gunman who was going through their school.

I have always thought, of the most terrible gun crimes that have happened—and there have been so many, so many—Sandy Hook is the worst. I can't imagine a classroom of 20 first graders and the teachers being gunned down at their desks. Oh, my God.

For every parent and every grandparent, it is the worst nightmare in the world, and it happened there—20 of them. Certainly, many of us believed that would be the moment that America would come to its senses and say: Let's do something. If we can't do everything, let's do something to show we care. But as a national legislature, we failed.

And the proposal that we brought to the floor that was objected to today is the most basic thing in the world. OK. You have second amendment rights, unless—unless—you have given those up by committing a felony crime and being convicted of it, unless you were so mentally unstable that you shouldn't own a gun. That is basically it. That is all we said. Are those unreasonable? I think not. Eighty-four percent of Americans happen to believe that is a pretty sensible thing to do—84 percent. But when it comes to the U.S. Senate, we can't get 51 percent to vote that way—at least not yet.

So I thank my colleagues Senator MURPHY and Senator BLUMENTHAL for reminding us of the terrible tragedy in their lives and in their State just 9 years ago. But I will tell you that as horrible as Sandy Hook was, 900 people have died by gunfire in Cook County, IL, which I represent, just this year, and 40,000 Americans lost their lives to guns last year. We can't do anything about that. They are gone.

But what about tomorrow's victims? What about next week's victims? What about the next high school? We can do something about that, and this bill would pass today if Republican Senators would allow it.

Let's be very candid about this. This is a partisan issue. It shouldn't be. Those gunmen—I don't think anyone reports their political status, and certainly the victims are not identified that way. But in this Chamber, it is an article of faith, political faith, that Republicans won't touch anything related to gun safety—anything.

The bill that was objected to, proposed by Senator GRASSLEY, the protecting communities bill—first, let me say CHUCK GRASSLEY is my friend. I mean it. I don't just say that as political, idle talk. He is my ranking member on the Senate Judiciary Committee. We disagree on a lot of things. We sure do agree on a lot of things too.

The bill that he described is a step in the wrong direction, as was mentioned by Senator MURPHY. That bill doesn't fix the gaping holes in the background check system. It makes them worse. To say that people who have been involuntarily committed to a psychiatric hospital can leave that hospital, walk out the door, and buy a gun, that doesn't even make sense.

You would certainly want to ask someone, some medical expert, what is their state of mind? Have they fully recovered? Are they ready? Can they make a basic decision that we can trust? That is not too much to ask for those who are involuntarily committed to a psychiatric hospital.

Unfortunately, the Grassley bill, which we objected to, would automatically restore a person's right to buy a gun the minute they walked out of the hospital. The bill also wipes away the NICS background check system for the records of—listen—175,000 people in this country who have been found, in the words of the statute, “mentally incompetent.” This bill would allow them—permit them to buy guns immediately.

How can that make any sense at all?

Surely, the definition may not be the best, but let's work on that instead of just saying, on a blanket basis, go out and buy a gun if you want to.

The bill also weakens gun laws on the books. The bill would allow gun dealers to sell handguns directly to people from other States. How does that make us safer? And it would bar the ATF from requiring gun dealers to submit reports of multiple purchases of long guns—a key indicator of gun trafficking in many border States.

We are a long way from where we should be, but Senator GRASSLEY has challenged me as chairman of the Senate Judiciary Committee to hold a hearing, mark up the bill.

I accept the challenge. We may not get to first base on this, but we are not going to stay in the stands and in the bleachers as kids are being gunned down at Oxford High School, and we are “celebrating”—if that is the word—all of the gun deaths of the past with anniversaries that bring back bitter memories and tragic occurrences.

So, yes, the Senate Judiciary Committee will have a hearing. We are going to move forward as best we can. Maybe there is common ground out there. I pray, for the victims and their families—I pray that there is.

I yield the floor.

**THE PRESIDING OFFICER (Mr. VAN HOLLEN).** The Senator from Ohio.

**BUILD BACK BETTER AGENDA**

**Mr. PORTMAN.** Mr. President, I am here on the Senate floor today to talk, once again, about the so-called Build Back Better legislation that the Democrats are trying to force through this system on a purely partisan basis under what is called reconciliation.

I strongly believe that this massive tax-and-spend bill is the wrong way to go. I think it is irresponsible, particularly at a time of high inflation, uncertain economic growth—driven a lot by the uncertainties around the new COVID concerns—and record levels of debt.

This is the ninth consecutive week that the Senate has been in session that I have come to the Senate floor to talk about specific reasons I believe the Build Back Better legislation is a bad deal for America.

As we have talked about before, this massive new spending bill represents the largest amount of spending of any legislation ever passed by the U.S. Congress. Now, the official score is something like \$1.7 trillion. You could argue that the one that passed in March, the \$1.9 trillion, was the largest one, and that this is the second largest one.

In fact, when you look at what is in it, a lot of the spending is, in effect, camouflaged, as has been said by the folks at Penn Wharton, who analyzed this. When you take into account the programs that are relatively popular and unlikely ever to be ended—like the child tax credit—or that are likely to continue, they are sunsetted in this legislation.

If they weren't sunsetted, the cost of the bill would go from about \$1.75 trillion to about \$4.5 trillion. One analysis from the Committee for a Responsible Federal Budget has it a little higher than that, but let's say it is \$4.5 trillion. That would be, by far, the largest piece of legislation that would have ever passed the U.S. Congress.

Much of that spending is what is called stimulus spending—adding to the demand side of the economy, adding to inflation. Remember, inflation is demand chasing supply. If there is not enough supply and there is more demand, you have inflation. That is what many of us predicted would happen with the \$1.9 trillion legislation. Unfortunately, that is exactly what happened.

So, once again, at a time of devastating high inflation already, record debt, and so much uncertainty on COVID and the possible need for more Federal resources there with regard to COVID, massive new spending—it seems to me right now—is the wrong thing to do.

On the revenue side, the massive tax increases are also irresponsible, in my view, and not well thought out.

Today, I would like to focus on one new tax increase proposal in particular, and this is the Democrats' plan to propose a new 15-percent minimum tax on the domestic side. They call it the minimum book tax. It is not a tax on books; it is a tax on companies and on workers and on pensions, which we will talk about, based on the financial statement. It is not based on income as we traditionally think about it or as the Tax Code traditionally defines it, but it relies on so-called book value, and it has several negative consequences that I want to talk about today.

The new book tax, if it were to be put into effect, would drive inflation even higher. It would discourage investment in key sectors of the economy, and it would jeopardize the state of businesses that provide pension funds for their employees.

The book tax proposal is, essentially, a new corporate alternative tax. But, again, it taxes the adjusted financial statement income of a large corporation, not its IRS tax analysis; and that

is the income that might be reported to, let's say, the SEC through a Form 10-K.

This makes it very different than the existing corporate income tax, which is determined based on the income that these companies report to the IRS. Because these two taxes are calculated using very different base amounts, the 15-percent book tax can end up being a lot larger for companies than the 21-percent income tax.

The line that you will likely hear from some of my colleagues on the other side of the aisle is that this tax is designed to make big companies pay their fair share of taxes because it only applies to companies with a 3-year average adjusted book income of more than \$1 billion, but studies from the nonpartisan Congressional Budget Office, the Tax Foundation, and more show that it is actually the workers who bear the brunt of these types of taxes in the form of lower wages, lower benefits, lost jobs, and higher prices. I am also hearing about a number of specific unintended, perhaps, consequences, and I am certain there will be others as well.

Let's start with its effect on workers' retirements. Under this proposal, a qualifying company ends up paying a new tax on certain investment gains, potentially due to just a change in interest rates, in their employees' pension funds. So this is a new tax. Right now, if the pension fund has an income gain, that would not be taxed, but under this proposal, it would be—under the book tax proposal. So it is basically a tax on the pensions.

First, these gains shouldn't result in a tax to the company at all. Companies do not have access to these pension investments. They sit in a segregated account. Companies can't touch them nor should they be able to touch them. Obviously, they make money for the retirement accounts of the employees. That is the whole idea. For good reason, pension funds should be invested, and they should grow over time because it benefits the workers to strengthen their retirement security.

Second, companies could be forced to pay more in taxes on the pension gains than the company makes in actual profits.

Let's take an established company, and I can tell you some of them have contacted us with specific examples of this, but they tend to be companies that are pretty well established because they have pretty big pension plans.

If you have an established company with a large pension plan, let's say that company makes a profit of 100 million bucks in a year. They could see their long-running pension fund gain a lot more than that—say, \$2 billion—over that same period.

So, under this tax plan, that company would have to pay a 15-percent tax on that \$2 billion in pension income, or about \$300 million on top of any normal income taxes. That busi-

ness then has to make a tough choice because, remember, the business has only made \$100 billion in profit, and you have a tax bill of \$300 million because of your pension income.

Are you going to go bankrupt? Are you going to take out loans to pay these taxes?

This is money that would otherwise be invested in people, in plants, equipment, in our economy. Instead, it is going toward paying a potentially large tax that is entirely counterproductive.

Third, of course, is that it discourages companies from investing in their workers' retirements. Having more invested in pension plans is good for workers. I think we should encourage employers to do the right thing, and that is to have a defined benefit plan. There are fewer of them these days. Of those that are left, we don't want to drive employers out of those, in my view.

By the way, that is the view of almost all of my colleagues, I think, on the other side of the aisle and certainly a lot of union members who have these pensions. Let's not forget that this tax could threaten the retirement of tens of thousands of union and nonunion workers alike.

But this tax proposal doesn't just jeopardize pensions; it could have a significant negative impact on how industries, particularly manufacturers, invest in growing their operations. According to data from the nonpartisan Joint Committee on Taxation, the manufacturing sector leads all other sectors in the economy when it comes to the use of what is called bonus depreciation. That is where you get to have an immediate writeoff if you expand, again, plant or equipment.

That is something that was part of the 2017 tax legislation. It has been very helpful to help grow the economy, very important to retailers, very important to hospitality, and very important, of course, to manufacturers, who lead the way in terms of taking this deduction. It allows them to quickly and affordably invest in equipment, in new machinery, leading to higher productivity, leading to more jobs—what economists think is the most important thing we can do right now in our economy, which is to grow the supply side of our economy.

Under this new book tax the Democrats are proposing, that deduction would not be able to be paid, as it is now, immediately as bonus depreciation but, rather, it would have to be paid over a longer period of time, making these critical investments a lot less likely and leading to fewer new hires and lower productivity.

By the way, less investment in capital assets, of course, puts more pressure on inflation because it increases on the demand side of the economy if you don't do it. If you do it, it would increase on the supply side. So you want to encourage investments in capital assets. That is good because it helps in terms of the supply side.

So this bill has stimulus spending, as we talked about, on the spending side, and more demand and lower investment is exactly the opposite of what we ought to be doing in terms of countering inflation.

Taking a broader view, both of these immediate negative impacts on the economy and workers—the taxes on pension funds and less financial incentive for investment—are going to lead to higher prices for consumers, which also increases inflation.

It is even worse. From what I am hearing, some of the biggest sponsors of pension plans are logistics and delivery companies. I hope my colleagues are talking to these same companies that are reaching out to talk to us. To pay for these additional costs, particularly the pension costs, they have told us they are likely going to have to increase costs, reduce customer services, and suspend investment in new technology. These are logistics companies. At a time when many Americans are already experiencing inflation and supply chain bottlenecks, this is exactly the wrong prescription.

The book tax proposal is just one of a lot of policies in this reconciliation bill that I think would be bad for the economy and bad for workers. Maybe these specific problems we talked about today were just overlooked in the rush to produce a bill without going through any of the normal committee processes, including the Finance Committee, which hasn't looked at this—those issues would have emerged, I am sure, had the Ways and Means Committee and the Finance Committee had the opportunity to review it and to analyze it—or maybe the plan is to just overwhelm the American people with so many dramatic changes to our Tax Code that they won't notice how irresponsible any single one might be. Whatever the case, it is clear that this book tax has not been properly vetted.

It is time for Congress to slow down this process so that we can properly understand the consequences of these policies on the American people. These massive tax-and-spend proposals are bad for the economy, certainly bad for inflation, bad for business, and most importantly, bad for workers and their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### GOVERNMENT FUNDING

Mr. BLUNT. Mr. President, this is always a very busy time of the year if we are still here, and it has been a long time since the Congress wasn't here in the first of December. There have been years within the last couple of decades where we actually got our work done fairly close to the time that the spending year started. We are not close to doing that now. In fact, the apparent best-case scenario is that we will need to extend this year's spending—the spending that ended on September 30—through most of the month of February

before we really can get down to the work that you and I would like to see happen, as we serve on the Appropriations Committee.

We are here a lot of times in December, but we are seldom here in December without having made a real start on the work that has to be done. Instead of the work that has to be done, we seem to be down to the work that our friends on the other side really want to do. Of course, that means the trillions of dollars of spending beyond what we would normally spend.

That is being described by people as transformative, as once-in-a-century, as FDR-like. The one thing it is for sure is it is 100 percent partisan. Nobody expects a single Member of the Senate on the Republican side to vote for this reckless tax-and-spending bill.

You can tell, as you listen to the description of the bill, that there is beginning to be more and more worry about what the American people are thinking that this bill might really wind up doing to their families and to the country. When they hear that it is going to be transformative, when they hear that the entire economy will be different and people's problems will change in dramatic ways, people really begin to have to wonder how that happens, particularly when we hear that this won't cost anything.

Well, of course it is going to cost something. You can say all you want to, that the cost is zero, but the cost can't possibly be zero of something that is going to transform the economy and solve people's problems. Somebody is going to have to pay for that.

At one time, it appeared that, well, maybe we will just raise every bit of those extra spending dollars on new tax dollars. That hasn't happened yet in any bill that has been brought forward. In fact, the bill that the Senate is going to receive from the House has an actual deficit, even by the Congressional Budget Office standards, of about \$350 billion.

In 2019, we almost decided that we couldn't move forward on the debt ceiling because the Speaker of the House said: We are not going to help on the debt ceiling unless there is another \$19 billion of domestic spending.

This was 2019. We spent weeks fighting about whether we would spend another \$19 billion. The Secretary of the Treasury, Secretary Mnuchin, was down here about once or twice every week in the negotiations that it would take to decide if we are going to spend \$19 billion. Now we are talking about a \$350 billion addition to the national debt, and that is even if you accept all the gimmicks in the bill.

There are other negative effects as well. One of those big negative effects will be, of course, the impact of inflation on families. We are already seeing the impact of the big—the spending bill in March, the \$1.9 trillion of spending that out of nowhere came into the economy, totally unpaid for, totally partisan.

Last year, we had five bipartisan bills that both sides worked hard to do what we needed to to respond to COVID, to try to stabilize the economy. This year, we started off the year in March with an almost \$2 trillion totally partisan bill, and that partisan bill is beginning to have the kinds of effects you would expect it would have.

Costs are going up. There is more money out there, and mostly there is just money that is just made up out of thin air. It is borrowed, where the government is borrowing from itself. We are issuing bonds and buying the bonds at the Fed and then sending money to people. They are spending that money, and, of course, that has an impact on costs.

Then there are energy policies that have an impact on costs as well—the immediate decision to not move forward with a significant energy pipeline that was being built; the immediate decision to do what we could to reduce the domestic production of energy. That has had exactly the results you would expect it to have, just like putting this money into the economy has had a result. So everything from home heating costs, which are estimated to go up as much as 50 percent this year if the weather is no worse than last year, to filling up your gas tank—we have a chance of setting a new personal record every time you pull up to the gas tank and wonder how much money you can put in that empty gas tank today—to buying groceries, to even getting people together for the holidays.

Independent analysts of the big tax-and-spending spree say that the number isn't \$1.7 trillion, but it is about three times that, about \$4.8 trillion. Now, how could you go from 1.7 to 4.8 just like that? You do it by assuming, as our friends who are sponsors of the bill do, that the spending in the bill will actually be spent over the entire 10 years.

There is one program where families with kids at home get a check every month from the government. That program costs about \$450 billion a year, and it is in the bill for 1 year. Well, nobody on the other side believes it is going to be in the bill for 1 year, and nobody voting against the bill is at all certain that it is going to be there for 1 year. Most of the analysts say, no, that is going to be there for not 1 year but all 10 years. So you add another \$450 billion times nine, and suddenly you have added trillions more in spending to the bill.

There are other programs that last 2 years, and some programs last 4 years. Almost none of the programs that are to be paid for in 10 years—and even with a \$350 billion deficit—almost none of the programs to be paid for in 10 years last 10 years. They are just in there to get the program started, to get people convinced that they really need the government to do something for them that the government hasn't done before, and then see if we can extend that.

As I mentioned, back in March, we had already done this once with a totally partisan \$1.9 trillion spending bill. What happened after March? We got inflation to a 30-year high in the August numbers and consumer confidence to a 10-year low. You have to work pretty hard to get inflation at a 30-year high and consumer confidence at a 10-year low, but that is what happens when you put \$1.9 trillion into the economy that wouldn't have been there otherwise.

So what would happen if you put \$4.8 trillion into the economy that wouldn't be there otherwise? The people who are most impacted by the results of that are the very people the bill purportedly is going to help, is designed to help. We are going to solve all of your problems. Well, first of all, the government is not going to get that done. We are going to solve Americans' everyday problems, but if you do that by raising their costs higher than their pay can go up, you haven't done anybody a favor.

President Biden campaigned on a return to normal, but he is governing on what his self-described allies say is radical change. Well, those two things seem to me to be in pretty big conflict. You can't have "return to normal" and "radical change" at the same time.

There was no mandate in the last election. The Senate is as evenly divided as it could possibly be—50-50. In the House, Democrats have the closest margin that they have had in 170 years and one of the closest margins that anybody has had in decades.

Americans want their elected representatives to stop selling every crisis as an opportunity to impose another one-sided view of how the country needs to move forward.

You hear and I hear at home and even from the press: When is the Congress going to work together? Well, we worked together last year to do five bills to respond to the COVID and economic crisis, and we did that together. That was a pretty good model. Frankly, I think it was the model that the American people were thinking about when they voted for this closely divided Congress and in a fairly closely divided Presidential race at the conclusion of the election.

Families need real solutions to the challenges they face. Reckless tax and spending, driving inflation, sending gas prices to alltime highs and home heating prices to alltime highs and increasing the cost at the grocery store—if there are things to buy at the grocery store—by 15 or 20 percent surely, isn't what we want to pass on to our children, our grandchildren, our people, hard-working families out there today trying to make things happen and make things better for their families.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Massachusetts.

TRIBUTE TO ASHLEY HARRINGTON

Mr. MARKEY. Mr. President, I want to spend a quick moment saying a fond

thank-you and farewell to a staff member of mine who is leaving.

My deep gratitude to Ashley Harrington, who is off to great adventures. Our sadness at her leaving is matched only by our excitement for her as she starts her next chapter.

Thank you for your dedication, your humor, your invaluable skills. We are going to miss you throughout our entire office.

NOMINATION OF RACHAEL S. ROLLINS

Mr. President, I come here today to speak in support of Suffolk County District Attorney Rachael Rollins, nominee to serve as U.S. attorney for the District of Massachusetts.

The fact that I and my Senate partner, Senator WARREN, have to come to the floor at all in support of this qualified, respected, effective law enforcement official is a testimony to the unprecedented partisanship of my Republican colleagues. It is truly outrageous.

Before I share more about District Attorney Rollins' record of accomplishment—a record that my Republican colleagues have intentionally distorted and mischaracterized—I want to explain how politically partisan this U.S. attorney nomination process has become.

In September, the Judiciary Committee held a rollcall vote on Rachael Rollins' nomination to serve as U.S. attorney for the District of Massachusetts. She was voted out of committee on an 11-to-11 vote. All Democrats voted aye; all Republicans opposed the nomination.

With this vote, Judiciary Committee Republicans eviscerated a three-decade precedent of voice votes for U.S. attorney nominees for all 50 States—every single time. The committee had last held a rollcall vote on a U.S. attorney nominee in 1993. And based on a review of available materials, before the 117th Congress, the Judiciary Committee had only ever held a rollcall vote on three U.S. attorney nominees: in 1993, 1982, and 1975.

The Senate last required cloture on a U.S. attorney nominee in 1993 but ultimately confirmed that nominee by voice vote. And—listen to this—the Senate last held a rollcall vote on the floor of the Senate on a U.S. attorney nominee in 1975. We have held more impeachment votes on the floor of the Senate than votes on U.S. attorney nominees since 1975.

This obstruction of District Attorney Rollins' nomination is unwarranted, unfounded, and unprecedented. Let me underscore that last point. During the Trump administration, Judiciary Committee Democrats agreed to voice vote all 85 U.S. attorney nominees who came before them, despite disagreements with multiple nominees' records and ideology. All 85 of those U.S. attorneys in the Trump era were processed by the Judiciary Committee and received a voice vote with no recorded opposition. And the Senate, likewise, confirmed all 85 by unanimous consent on the Senate floor during the Donald Trump era.

The opposition to Rachael Rollins is nothing more than a deeply partisan ploy to score political points at the expense of the record of a respected, qualified, courageous, Black, female, progressive district attorney. It is offensive, and it is not in service to public safety—in Massachusetts or across our Nation.

Let me tell you about District Attorney Rachael Rollins and why her record has garnered supported from all corners of the law enforcement community in Massachusetts and New England and from Republicans and Democrats alike.

District Attorney Rollins has public safety in her blood. Her father, a second-generation Irish American, fought in the Vietnam war and later worked as a corrections officer. Her maternal grandparents are from Barbados, and her mother is a first-generation American.

She represents the very best of what this country is all about: opportunity, public service, and plain old hard work.

As the district attorney for the county encompassing Boston and surrounding cities, District Attorney Rollins has a demonstrated record of success as a prosecutor. She leads an office of 300 employees, including more than 150 lawyers who handle 25,000 new criminal case filings and 1,000 criminal investigations annually. She leads a very busy office efficiently and effectively.

On the most serious crimes, her record is unassailable. In 2019, Rollins' first full year in office, the homicide unit's number of completed trials increased by 21 percent. Boston homicides declined by 31 percent in 2019, making it the lowest number in decades.

And she aggressively prosecutes drug trafficking. Between January 1, 2021, and October 12, 2021, just this year, the Suffolk County DA's office has prosecuted 147 trafficking cases. Of those cases, 98 involved charges of trafficking fentanyl, accounting for 67 percent of total drug trafficking prosecutions. District Attorney Rollins has prosecuted more drug traffickers than her predecessor.

I have personally met with and talked with District Attorney Rollins on multiple occasions about the opioid epidemic that is being fueled by fentanyl. There is no one more dedicated to ending that scourge than she is. She is committed to using the DA's office to hold fentanyl drug traffickers fully accountable, and her record proves that.

Her record on investigations is equally remarkable. In 2020, the homicide unit expanded its investigations by 44 percent. The major felony unit increased its by 22 percent, the human trafficking and exploitation unit by 19 percent, and the special prosecutions unit by 33 percent. Under District Attorney Rollins' leadership, her office is as active as it has ever been in going after the most serious crimes in Suffolk County.

But her excellence doesn't end there. District Attorney Rollins has demonstrated a commitment to working with law enforcement to advance community safety and build trust between the community and law enforcement officers. She and her office are a true partner for colleagues, and it is reflected in the coordination that they prioritize.

In June of 2020, she organized a key discussion with law enforcement executives from Greater Boston to have an open dialogue about policing practices in light of the racial reckoning that followed the murder of George Floyd. With her leadership, District Attorney Rollins and the law enforcement executives signed a letter committing to change and ensuring that there would be open communication on that topic.

District Attorney Rollins recognized the historic moment law enforcement was confronting in the wake of the Floyd murder, and she actively reached out to her law enforcement partners to show a united front in their commitment to justice. Rachael Rollins is proof that you can enforce laws and promote justice and that the community wants both.

As a result of this leadership, the Suffolk County law enforcement executives wrote a letter in support of her nomination to serve as U.S. attorney for the District of Massachusetts. In that letter, they highlighted the respect she has for the work they do to keep communities safe.

And in the wake of two incidents of hate against the Jewish community that occurred this summer, District Attorney Rollins led the response, using the resources of her office to investigate the incidents transparently and fully. She personally ensured that there would be a focus on this issue. She attended vigils for both events to ensure that there would be a commitment that was heard that the safety of the communities that had been directly impacted would be protected.

In a letter from the Anti-Defamation League of New England, it said of her actions: In the aftermath of the incidents . . . she demonstrated true allyship and solidarity with the affected communities. The importance of her commitment to this ideal cannot be overstated.

Rachael Rollins is a prosecutor at her core, but she also believes in restorative justice and is one of Massachusetts' greatest advocates for victims of crime. The local organizations that advocate for the rights of victims and their families—including Mothers for Justice & Equality, the Children's Advocacy Center of Suffolk County, the Boston Area Rape Crisis Center, and the Boston Medical Center's Violence Intervention Advocacy Program—all wrote letters in support of Rollins' nomination.

Mothers for Justice wrote that District Attorney Rollins' "determination to bring [to justice] those who commit crimes against community is needed at

the highest levels of Federal prosecution."

The Children's Advocacy Center of Suffolk County describes her as "a leader who clearly prioritizes the needs of children and families—bringing an approach which is both victim-centered and squarely focused on offender accountability."

District Attorney Rollins is clear-eyed in her commitment to justice—justice for victims, justice for families, justice for children, and justice for the communities that have not historically benefited from a system that has punished color, class, and creed. She is working to restore faith in the system by building a system that works for everyone.

Before she was district attorney, from 2007 to 2011, she served as assistant U.S. attorney for the District of Massachusetts. There she prosecuted civil and criminal cases, defended the Federal Government and Agencies in civil suits, and recovered damages for fraud and false claims submitted to the government.

Based on this record, she has the support of many law enforcement organizations and political leaders.

About District Attorney Rollins, a group of several current and former major city police wrote:

We do not always get along. In fact, we have disagreed strongly on issues. What we can say is that she respects us and the work we do to keep our communities safe. She can admit when she is wrong. She can also be incredibly persuasive when she is right. The constant throughout every encounter we have is a mutual respect and a willingness to learn from each other.

So, for my Republican colleagues, let me share the bottom line statistic: Crime is down in Boston. Despite the continued rise in crime nationwide in 2021, murders in Boston have dropped by one-third so far this year. According to data from the Boston Police Department, there have been 32 homicides in the first 9 months of 2021, down from 45 homicides this time last year. Murder is down in Boston. The city also saw a decrease in many types of violent crime, including domestic assault. Property crimes, such as auto thefts and burglary, are also down in the city of Boston during her tenure as our district attorney.

We know there is much more work to be done to ensure public safety and to promote justice, but under District Attorney Rollins' leadership, Boston is on the right trajectory.

Most of what we have heard from my Republican colleagues—in the committee hearing and out here on the floor—is simply untrue. Suffolk County District Attorney Rachael Rollins is a strong Black woman, committed to racial justice with a better record on crime than other old-school prosecutors, and it just plain scares them.

Her approach scares them because it is working in Boston. It can be a model for the rest of the country. Rachael Rollins is not soft on crime; she is smart on crime. Yes, District Attorney

Rollins is a progressive prosecutor. But more importantly, she is an effective prosecutor. Her extensive law enforcement credentials and proven track record of reducing crime and supporting victims is clear, and it is undeniable. She is the right candidate for U.S. Attorney in Massachusetts, and Senator WARREN and I deeply and proudly recommend her to the Senate for confirmation.

I have known District Attorney Rollins since she babysat for my brother's family. She is a dear friend and a loved friend, and I have been so fortunate to know her. And Massachusetts has been so fortunate to have her as one of our top law enforcement officials. She is one of the smartest, most effective, most respected leaders in the Commonwealth of Massachusetts, and her record proves that, unequivocally.

Despite the Republican effort to politicize her nomination and mischaracterize her record, I am confident that she will be confirmed as our next U.S. Attorney.

I urge all of my colleagues to vote yes on this discharge motion, as unnecessary as it should be, and to support the confirmation of Rachael Rollins as the next U.S. Attorney for the District of Massachusetts.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Utah.

#### NATIONAL DEFENSE AUTHORIZATION ACT

**MR. ROMNEY.** Mr. President, I come to the floor to echo the sentiments of my colleague, Senator MARCO RUBIO. Our annual national defense bill is being held up because Speaker PELOSI and Leader SCHUMER are refusing to allow a vote on a provision—the Uyghur Forced Labor Prevention Act—that prevents Chinese goods made with forced labor—slave labor—from entering the United States. This bill was previously passed by the Senate on a unanimous vote.

The Chinese Communist Party's atrocities against its minorities, particularly Uyghur people, include genocide and crimes against humanity. These are well known. Uyghur women are forcibly sterilized and impregnated by Han Chinese men. Adults are ripped from their families and are sentenced into concentration camps and carry out slave labor. It is estimated that nearly 1 million Uyghur people are being treated this way and held in these camps.

There is no question that it should be U.S. policy to hold accountable those responsible for the forced labor of the Uyghurs and ensure that companies—our companies—are monitoring their supply chains and circumstances of workers making products in China, to make sure those products that are made by slave labor by the Uyghur people are not brought into this country. That is the feeling of the unanimous vote of the Senators, which we already expressed.

Congressional Democratic leadership is claiming that the problem with including this amendment is a technicality, but let's be clear that what is really happening here is there are some corporations that Democrats don't want to offend. For example, Democrats want cheap batteries for their so-called Build Back Better agenda. And nearly 80 percent of the rare earth metals, including other materials like lithium and cobalt and the like that are used to make those batteries, come from China.

And let's underscore this. When companies and politicians avert their eyes from China's predations, from China's slavery, they are effectively paying the cannibals to eat them last. China is coming for them, and it is coming for us.

Now, we have, in this year's National Defense Authorization Act, the opportunity to strike a blow against China's slavery. I implore Speaker PELOSI and Leader SCHUMER to move past procedural roadblocks and send a clear, convincing message to China and the world at large that goods produced with slave labor are not allowed in the United States of America.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Indiana.

REMEMBERING REVEREND MELVIN GIRTON

Mr. YOUNG. Madam President, I rise today in tribute to Rev. Melvin Girton, the dean of pastors, a servant of God, and a great Hoosier. His death on October 29 has left a terrible absence, one that cannot be filled. For over half a century, from 1964 to 2015, Dr. Girton was pastor at the Christ Missionary Baptist Church—the same Indianapolis church home where he was baptized as a young boy.

The number of years Dr. Girton shepherded his flock is astonishing. The number of lives he touched and bettered among and beyond is incalculable. He made his church a family. He walked with his congregants through their lives, their challenges, and in difficult times, he reminded them to look up because brighter days were ahead. When one of his congregants needed surgery, she arrived at the hospital to find Dr. Girton waiting there to reassure her everything would be all right. And it was. He was a member of their families. He blessed their marriages, welcomed their children, and even taught them to buy cars and homes. And he prepared and opened the doors for countless other pastors to follow him.

Dr. Girton was also a great lover of history, which is fitting since he made a great deal of it himself. During the civil rights struggle, he led from the pulpit, on the picket lines, during the marches to the Governor's mansion, and he worked with Hoosiers from all walks of life. His work made great strides for equality and pushed Americans to realize our founding promise.

There was a time when Indianapolis's restaurants and theaters were segregated, its neighborhoods closed to

Black citizens. If rising generations of Hoosiers have no memory of this shame, it is because men like Dr. Girton ended it. He fought to open up the city's businesses, to make access to housing equal.

On April 4, 1968, Dr. Girton sat all night with Robert F. Kennedy in his Indianapolis hotel room after the Senator told a heartbroken crowd of Martin Luther King, Jr.'s, murder. The next day, he organized a memorial to Dr. King at the Soldiers and Sailors Monument at the city's center. Indianapolis is one of the few metropolitan areas in America that did not erupt in violence after Dr. King's death. Senator KENNEDY's beautiful and conciliatory speech is often credited for this, but the work of Dr. Girton and other city leaders played just as important a part.

Long after the civil rights movement, he preached kindness and love and labored to advance opportunity. He served as vice president for the Indianapolis branch of the NAACP. He was twice the vice president of the Billy Graham Crusade and regularly hosted the Emancipation Proclamation service, an annual celebration of that document of freedom.

Always searching for ways to help his neighbors, in the late 1990s, Dr. Girton transformed a boarded-up Indianapolis strip mall into a community center, providing job training, employment opportunities, a laundromat, a senior center, and even an ice cream shop.

When he reached the half-century mark at Christ Missionary, he called it a "short 50 years." No wonder—five incredible decades in a life of great purpose.

He wasn't entirely comfortable with the term "legend," but that is what he was. His passing deprives not just his community but his country of a pillar.

Despite the grief, it is hard not to be encouraged by such a wonderful life full of years of lasting achievements, courageous stands, admiring friends, and many loving children and grandchildren and great-grandchildren.

Dr. Girton would often say: "God is with me, God is in me, God works through me." He was and he did.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

NOMINATION OF RACHEL S. ROLLINS

Mr. COTTON. Madam President, in a couple of hours, Senator SCHUMER is bringing to the floor one of the most dangerous pro-crime, anti-cop U.S. nominees in American history. The Senate floor leader wants to ram through President Biden's extreme nominee to be the U.S. attorney for Massachusetts, the current Suffolk County district attorney, Rachel Rollins. In doing so, the Democrats are showing they don't care about crime as a crime wave crashes across the country, they do not support law enforcement, and they have a wanton disregard for the safety and security of Americans.

Now, it is true that we rarely have record votes of U.S. attorneys in the

Senate. In fact, I think it has been 28 years.

It is also true that Rachael Rollins is so radical that she is without precedent as a nominee to be the U.S. attorney.

Rachael Rollins is the very epitome of a Soros prosecutor, although it is generous to call her a prosecutor at all.

For those of you who do not know the term, "Soros prosecutor" refers to the wave of so-called progressive political activists backed by wealthy liberal mega donors like George Soros, who have run for local district attorney and State attorney positions throughout the country with the express purpose—the express purpose of igniting revolution and destroying our criminal justice systems from within.

They have left a trail of death, pain, suffering, and misery in their wake. Chicago has already had more than 1,000 murders this year—1,000 murders, with a month to go. Philadelphia has already had more than 500—already an all-time record. Crime is so bad in San Francisco, they closed downtown on Black Friday to avoid gangs of armed robbers smashing into retail stores and stealing everything in sight. They closed it on Black Friday because Chesa Boudin, the radical Soros prosecutor in San Francisco, has helped a crime wave destroy public safety in San Francisco so much that the liberals in that city have already announced a recall petition against him.

And perhaps most notoriously, just last weekend, in Waukesha, a career criminal with a rap sheet as long as your arm committed mass murder—one of the deadliest massacres in recent years—while he was out on \$1,000 bail; \$1,000 for a career criminal who consistently committed violent crimes for 20 years. And the Soros prosecutor in Milwaukee who let him out acknowledged that it may have been inappropriately low.

But that is not the unintended consequence; that is the intended consequence: to destroy our criminal justice system from the inside, to let violent, repeat felons out immediately and not keep them on bail, and then to not charge them with the appropriate crimes, and then to reduce their sentences when they are convicted.

What do they all have in common?

They are all pro-crime, Soros prosecutors, just like Rachael Rollins—the first one to be nominated for U.S. attorney.

Now, she is not simply a Soros prosecutor, she is one of the most pre-eminent legal arsonists in the country. She is a founding member of an organization of Soros prosecutors called the Truth, Justice, and Reconciliation Commission, which claims that the American justice system—and this is a quote; this is a direct quote—has "been a cruel and oppressive force of injustice for . . . all marginalized communities."

And she also claims—this is, again, a direct quote—"this isn't a bug in the

system, but a feature. It's operating exactly the way it was designed and built to function."

That is her view of our criminal justice system, that it is a cruel and oppressive force of injustice for marginalized communities; that is not a bug; that is a feature.

That is textbook critical race theory. Rachael Rollins believes that the American criminal justice system is racist and rotten to its core, and the Democrats want to put her in charge of prosecuting criminals in the largest State in New England. Rollins hopes to destroy the criminal justice system from within. That is not hyperbole. She has not been shy about her views, until she was nominated for this office, of course.

When asked why she became a prosecutor last year, she answered—again, this is a direct quote. I am not making it up. You may find it hard to believe. This is her own words why she wanted to be a prosecutor: "I chose to jump into this job to dismantle the system from the inside."

Soon after being sworn in as district attorney of Suffolk County, MA, she declared that she was going to battle—going to battle—against the U.S. attorney on offenses like opioids, marijuana, and immigration.

Just think about that. A newly elected prosecutor in the largest city of the State decided that her mission was not to stop criminals, not to protect innocent civilians, but to stop the U.S. attorney in that State from prosecuting criminals, and now she wants that job for herself.

I don't think so.

Mrs. Rollins also published a list of 15 crimes that she would refuse to prosecute except in special cases, sending the clear message to criminals that it was open season to commit these crimes.

Among the crimes on Rollins' presumptive do-not-prosecute list are not just things like jaywalking, but things like drug trafficking with intent to distribute, including fentanyl, malicious destruction of property, criminal threats, breaking and entering, trespassing, resisting arrest, and more.

This isn't an exercise of prosecutorial discretion in a case with exceptional circumstances. This is prosecutorial nullification. The Legislature of Massachusetts passed criminal laws that prosecutors are elected to enforce, and she refuses to enforce them.

What do you think she will do to our Federal criminal laws?

What do you think she will do to you if you are a homeowner in Suffolk County and someone trespasses on your yard and walks up to your window to see if you are home or not?

And if you are not, they will break and enter because you won't be prosecuted. And if you are home, well, they will just walk off the lawn and wait until you leave. And you dial 9-1-1, and the police won't even answer because they know Rachael Rollins won't prosecute you.

And this is the woman that Joe Biden nominated to be a U.S. attorney in this county. I don't think so.

Rollins has tarred police officers as murderers, causing the Boston Police Patrolmen's Association to condemn her for "undoubtedly incit[ing] violence against the proud men and women of the Boston Police Department."

Her response, naturally, was to accuse the Boston police of "white fragility." That is not a summary; that is an exact quote. She accused the Boston police of "white fragility."

There is a word for what Mrs. Rollins traffics in, and that word is "racism;" presuming that every officer in the Boston Police Department is guilty of "white fragility," presumably the Black and the Hispanic and the Asian ones too.

The truth is that Rollins has nothing but contempt for the rule of law. If she is confirmed, the citizens of Massachusetts and New Hampshire and all of New England will suffer the dangerous consequences. We have already seen these consequences in her own county.

In 2020, the first full year in which her policies have been in force, Boston's violent crime rate surged, and the number of murders skyrocketed by 38 percent.

When Rollins took office, Suffolk County had the fifth highest opioid overdose death numbers in Massachusetts, with 39 percent fewer deaths than the leading county. By the end of 2020, not surprisingly, Suffolk County's opioid overdose deaths had increased by 32 percent, and Suffolk County had become the second deadliest county for opioid overdoses.

If Rollins' abysmal record is brought to Massachusetts as a whole, it also poses a significant threat to the health and safety of the people of New England, especially New Hampshire—a threat that extends beyond the 100,000 Granite Staters who work in Massachusetts.

Rollins' insane drug policies would worsen the drug epidemic, which is already ravaging New Hampshire. The opioid crisis, which is fueled by narcotics smuggled from Massachusetts, is responsible for over 80 percent of drug overdose deaths in New Hampshire. Cartels and traffickers use Boston and its ports as a staging ground to smuggle vast quantities of heroin and other drugs into New Hampshire.

Rollins' failure to vigorously enforce Federal drug laws in Massachusetts will severely harm families and communities not just in her own State, but in New Hampshire and across New England.

Rollins' appalling statements, actions, and records caused Republicans on the Senate Judiciary Committee to unanimously—unanimously—oppose her nomination. That is a nearly unprecedented action for a U.S. attorney nomination, and it is not one that we took lightly.

By contrast, for example, Republicans have allowed President Biden's

other 15 U.S. attorney nominees across the country to go through committee with a simple voice vote. It goes to show that Mrs. Rollins is uniquely unfit for the role of U.S. attorney and deserves no deference from the Senate and no confirmation.

If the Democrats vote to confirm Rachael Rollins, they will be responsible for every action she takes. It is not a secret. It is right here in her record. And when crime spikes in Massachusetts and crime spikes in New Hampshire, Democratic Senators who are on the ballot next year are going to answer for it.

And I promise I will be there to make you answer for it if you vote for her today.

And if you are a Soros prosecutor around the country watching this nomination today and you think maybe you are next if Ms. Rollins is confirmed, maybe you can be the U.S. attorney, maybe you can be the attorney general in your State, I promise you, this will not be the start of a trend. I will stop at nothing to make sure none of you ever achieve higher office and none of you get reelected, because you are a danger to the families and the communities of this country.

President Biden should immediately withdraw Mrs. Rollins' nomination and should consider submitting someone who would actually be a prosecutor rather than a pro-crime, defund-the-police activist to serve as a U.S. attorney in Massachusetts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Madam President, I rise today in support of Rachael Rollins, the U.S. attorney nominee for the District of Massachusetts.

Rachael grew up in Massachusetts. Her dad fought in Vietnam, and then returned to Massachusetts to become a corrections officer. He sent his oldest daughter to college, UMass Amherst, and then to the law school at Northeastern, and then she went on to get a master's in law from Georgetown.

She has had experience across a broad range of public service jobs. In 2018, she decided to run for district attorney of Suffolk County, which includes the city of Boston. And in that race, she promised to decriminalize certain low-level offenses, such as shoplifting or drug possession.

The people of Suffolk County embraced her and embraced her ideas, giving her 73 percent of the vote. She is the first woman of color to be elected as a DA in Massachusetts, and if confirmed by this body, she will be the first Black woman to serve as U.S. attorney in Massachusetts.

She has the enthusiastic support of my partner Ed Markey and myself.

A dedicated public servant, Rollins has devoted her career to transforming the criminal justice system so that it actually reduces crime and provides equal justice for all. Her reform efforts have frequently focused on the root

causes of crime and have taken aim at poverty, substance use disorders, and racial disparity.

Since her nomination was announced, dozens of prominent Massachusetts Republicans, Democrats, and nonpartisan law enforcement officials, numbers of community advocates, and members of the legal community have written in support of her nomination. Among those who have spoken out publicly on her behalf are Massachusetts former Republican Governor Bill Weld, former U.S. attorneys and Suffolk County law enforcement executives, and many, many others. These are the people who know her best, the people who have worked with her, the people who know her record of success as a prosecutor.

Now, Rachael has implemented some innovative policies—exactly as she promised to do when she ran for district attorney. Those policies may not be the preferred policies of some Senators, but the facts speak for themselves.

These policies are designed to improve the administration of justice and to reduce crime, and they work. In the months following her start as a DA in 2019, homicides in Suffolk County reached a 20-year low. While homicides increased in 2020 as part of a nationwide trend following the start of the pandemic—a trend that was also seen in States like Arkansas and Texas—recent data from the Boston Police Department shows that homicides in Boston declined by nearly a third in the first 9 months of 2021. That drop—a drop of nearly a third in homicides—stands in stark contrast with nationwide crime statistics. It is not just violent crime, either; the city saw a decline in property crimes like thefts and burglaries this year as well.

Rollins has demonstrated that progressive policies can be effective in cutting serious crimes, which seems to frustrate her opponents. The policies that Rollins has pursued have helped drive down crime in our State, but it is also the strong partnership she has built with law enforcement leaders from Suffolk County that has been crucial. In fact, leadership from the Boston Police Department, the Massachusetts State Police, the Revere Police Department, the Chelsea Police Department, the MBTA Transit Police Department, and the Winthrop Police Department wrote a joint letter to the Senate to express their strong support of Rachael Rollins to be U.S. attorney.

While they admit they have not always seen eye to eye with her, they also note that Rollins “respects us and the work we do to keep our communities safe. She can admit when she is wrong. She can also be incredibly persuasive when she is right.”

They add:

Each of us have worked closely with DA Rollins on pressing and significant issues within our respective jurisdictions. She is responsive, attentive, and diligent. Her focus is on victims and how the community is impacted by violence and harm.

Nobody should be surprised that Rollins’ approach to prosecution is yielding reductions in crime. Nonpartisan research published by the National Bureau of Economic Research confirms why this is the case. After an analysis of 17 years of data and over 67,000 cases from the Suffolk County DA’s Office, the study found that defendants whose misdemeanor charges were dropped before arraignment were 58 percent less likely to return to the criminal justice system in the next 2 years, and they were more likely to avoid charges for any serious violent crimes.

By pursuing these policies, Rollins has freed up limited resources in her office to focus on the people and the crimes that actually pose the biggest threats to the community.

Now, critics are quick to distort these statistics and Rollins’ record and the details of her approach. This partisan sniping here in Washington bears no relationship to the reality on the ground in Suffolk County, MA. For example, even with her reform policies in place, Rachael has prosecuted more drug traffickers than her predecessor. Between January 1 and October 12 of this year, the Suffolk County DA’s Office prosecuted 147 trafficking cases. Of those, charges of trafficking in fentanyl accounted for 67 percent of the total drug trafficking prosecutions. Just by comparison, her predecessor prosecuted only 130 trafficking cases during the entirety of 2018, of which only 40 percent involved fentanyl trafficking charges.

Now, look, it is no surprise that some rightwing voices have sought to make an issue out of Rollins’ nomination, and it is unfortunate that many Republicans who should know better have fallen in line behind this campaign of fearmongering.

When a rollcall vote on her nomination was forced in the Judiciary Committee in September, Republicans quickly tossed out three decades’ worth of precedent and attempted for the first time in over a generation to override the President’s choice of a U.S. attorney nomination.

I want to remind my colleagues that every single one of the 85 U.S. attorneys nominated by Trump—every single one—was moved by voice vote despite significant disagreements about the policies, views, and records of several of those nominees—every single one of them. But Rachael Rollins and President Biden couldn’t get that same kind of consideration.

This kind of political grandstanding has unjustly deferred the confirmation process, not only for Rachael Rollins but for many other well-qualified nominees who just want to get to work serving the people of this country. It is also extraordinarily disrespectful to the scores of on-the-ground law enforcement leaders in Massachusetts and others who support this nomination.

Our police chiefs, our prosecutors, our former U.S. attorneys, our former

Governors, Republicans and Democrats, do not need to be told by national politicians who know nothing about our community that their support and their understanding of what we need just really doesn’t matter. They do not need to be told that the personal political benefit of attacking this well-respected prosecutor is somehow more important than what all of the data and all of their own experiences tell them about what actually reduces crime and improves the administration of justice in Massachusetts. What our law enforcement professionals need, what the entire Commonwealth of Massachusetts needs is for the Senate to confirm this highly qualified nominee.

Now, I have every confidence that Rachael Rollins will continue her partnership with law enforcement, with community advocates, and with other key members of the legal community to ensure the safety and well-being of all of the people of the Commonwealth in her new role. I look forward to the renewed energy and innovative vision that she will bring to the U.S. Attorney’s Office.

Senator MARKEY and I want to publicly thank our Massachusetts bipartisan advisory committee for all of the work they did to identify and recommend candidates like Rachael Rollins to the role of U.S. attorney. I want to thank President Biden for nominating her to this position.

I urge my colleagues to set aside nasty personal attacks on a supremely well-qualified woman and to support the discharge and ultimate confirmation of Rachael Rollins, a supremely qualified candidate who is ready to serve on day one as the next U.S. attorney for the District of Massachusetts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, first, I want to thank my colleague from Massachusetts for her very important comments about a very important, well-qualified nominee.

OXFORD HIGH SCHOOL SHOOTING

Madam President, today I rise to speak about a heartbreaking tragedy that far too many American families and communities are familiar with. Americans have learned that gun violence can happen in any place, at any time, in any State, and in any town.

This time, the community is Oxford, MI, home to about 20,000 people in northwest Oakland County. It is a place with beautiful lakes and bike trails. It is a place where people know each other. It is the kind of place where the neighbors might drop off some Christmas cookies or clear your sidewalk after a snowstorm since they were doing theirs anyway. Now, it is the kind of place that has been needlessly, senselessly shattered by unspeakable violence.

It was a typical Tuesday at Oxford High School, home of the Wildcats. The Oxford band and orchestra had recently

returned from a trip of a lifetime, performing at Disney World. Student leaders were celebrating a successful Thanksgiving food drive—almost 5,500 cans of food collected for the local food pantry. Athletes in winter sports were getting ready for Meet the Teams Night. But in an instant, everything changed. Everything changed.

We are still learning the details, and, frankly, that is not what is important. What is important is that, thanks to the cold efficiency of modern weaponry, it took mere minutes for a gunman to shatter a community. Thankfully, law enforcement officers showed up within minutes, but still, 11 people were shot. Tragically, four students have died. We hope and pray that there are not more deaths, but several other Oxford students remain in the hospital in critical condition. A typical Tuesday in a typical high school in 2021 in America.

Madisyn Baldwin was a 17-year-old with a beautiful smile. According to her grandmother, she was a kind and patient big sister and an artist. She had already been accepted to a number of colleges.

Justin Shilling, also 17, was cocaptain of the school's bowling team and also loved to golf. He worked at Anita's Kitchen, a Lebanese cafe in nearby Lake Orion, where his boss said everyone loved him.

Tate Myre, aged 16 and a tight end and running back on the Oxford football team, had recently been honored by the Michigan High School Football Coaches Association. He was also an honor student who was known as a leader both on the field and in the classroom.

And Hana St. Juliana was just 14 years old. She was passionate about volleyball and basketball. Her teammates say they will never forget her kind heart and her silly personality and her passion for the game. They have dedicated their upcoming season in her memory.

Madisyn, Justin, Tate, and Hana—four lives that were just beginning, four losses that have left their families and their community struggling—struggling—to understand.

And we certainly know that Oxford is not alone. This year alone, there have been shootings at 29 schools in our country—29 schools—from Rigby Middle School in Rigby, ID, to Timberview High School in Arlington, TX, to Heritage High School in Newport News, VA. No community is immune. Just ask the grieving residents and the grieving parents of Oxford.

This community will come together. They already have. They will hold prayer vigils and deliver casseroles and wrap their arms around these shattered families. But, in God's name, why should they have to?

High school students should be sharing memories of last month's band trip or celebrating a successful food drive or looking forward to the spotlight of Meet the Teams Night. They shouldn't

be ducking for cover in their classrooms or fighting for their lives in the ICU because they just happened to be in the wrong hallway at the wrong time, and they certainly shouldn't have their names mentioned during a speech on the floor of the U.S. Senate after yet another school shooting in 2021 in America.

Madisyn, Justin, Tate, Hana, and the more than 100 Americans who are killed by gun violence every day deserve more than thoughts and prayers. They deserve action to keep them safe, and we certainly will focus on this in the days ahead. What I know for sure right now is that we must refuse to settle for a world in which a typical Tuesday turns into such tragedy.

My deepest, heartfelt sympathies to everyone in Oxford and throughout our State. I share in their grieving of this senseless, senseless tragedy.

I yield the floor to my partner and colleague in the U.S. Senate, Senator PETERS.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, there are no words that can capture the terror and the tragedy of the horrific events that unfolded at Oxford High School on Tuesday afternoon.

In a matter of minutes, a routine school day was twisted into scenes of chaos, shattering the safe environment that Oxford High students and teachers and families trusted in. This shocking event will change their lives forever. Our heart breaks for every Michigander in America who continues to be affected by this tragedy and so many others like it.

It was a scene that has become all too familiar in America. A gunman opened fire inside a public school, taking four young lives and wounding seven other people. Four students went to school that morning with bright, exciting futures ahead. They never made it home.

Hana St. Juliana, the youngest victim, was only 14 years old. A freshman who was a promising athlete on the volleyball and basketball teams, her teammates remember her as having a kind heart, a silly personality, and an absolute passion for sports. Her father remembers her as the happiest kid, who had a full life ahead of her before it was tragically cut short.

Madisyn Baldwin, a 17-year-old senior and the oldest of three siblings, was preparing to graduate this spring. An aspiring artist and talented student, she recently celebrated acceptances to several colleges, including some under a full-ride scholarship. She will always be remembered by her family and friends as a kind, smart, and loving girl.

Tate Myre was 16 years old, No. 42 on the football team. Tate was a star student athlete and was recently honored with an all-region award from the Michigan High School Football Coaches Association. He had already started college recruitment visits and was

looking forward to many more until the unthinkable happened. His friends, his family, and his fellow students remember him as someone who always put his full heart into everything that he did.

And Justin Shilling, a 17-year-old senior, was cocaptain of the school's bowling team. His coworkers called him an exemplary employee, a devoted friend and coworker, and simply an absolute pleasure to be with.

As we mourn Hana, Madisyn, Tate, and Justin, we must also remember the victims who were injured during this attack. At this very moment, dedicated doctors and nurses are working around the clock to ensure that the wounded can swiftly recover. We are all thinking of them and wishing them well, along with those who were wounded, treated, and have now been discharged from the hospital.

As a parent, I just simply cannot imagine the grief and anguish that these families are forced to endure and the unimaginable pain that these parents are feeling in knowing that they can never—never ever—hold their loving child again.

I am grateful for the brave first responders who quickly responded to this harrowing scene. Thanks to their swift and brave actions, the suspect was apprehended within minutes, preventing even more unspeakable carnage from unfolding. There is no question that the heroic actions of first responders, law enforcement officials, and emergency medical technicians saved lives on Tuesday. We cannot thank enough these brave men and women for all that they do each and every day to keep our communities safe.

For the students and the educators who lived through this horrific act, I can only imagine the trauma and the fear that they will spend the rest of their lives with.

Children who should have been focused on their math homework or on their reading assignments spent terrifying moments fighting to survive and keeping one another safe. Reportedly, as bullets pierced classroom doors, students grabbed scissors and calculators, anything they thought they could use, to defend themselves.

Parents—many of whom received text messages from their children saying there was a shooting and that they loved them—frantically searched for their children in a parking lot in the aftermath, praying that they would be reunited.

The panic, the fear, and the helplessness of being trapped in this nightmare scenario is something that no child, no teacher, and no parent should ever, ever have to face. Now these survivors need our support as they work to process and heal from the shocking and horrific ordeal.

To the Oxford High School community, please know there are millions of Americans who are lifting you up and who share in your sorrow.

In the days and weeks ahead, we may learn more about the heroic actions

that students and teachers and first responders took to stop this tragedy from being even worse, but the most heartbreaking fact is that this should have never ever happened in the first place. A school should be a safe place.

I was struck by the words of so many students who said that they had been training for a day like this since elementary school. These students and their teachers had participated in active shooter drills. They knew to lock and barricade doors, to hide, to stay silent, and to run. They had heard about other school shootings wherein the assailants had tried to trick or lure students into their sights, and they stood strong until they knew they would be safe.

While I am so grateful that these lessons, undoubtedly, saved many, many lives this week, I am also heartbroken that our children and our educators have to bear this burden.

There is no easy answer, but it is clear that we must take action. Far too many communities have been devastated by these attacks, and we cannot wait for yet another community to suffer without having tough conversations on what actions Congress should take. The unsettling reality is that our children's lives are at risk when they enter a classroom, and that is something that we simply cannot tolerate.

I know the Members of this body have different policy views, but surely we can agree that a school should be a safe place. Surely we can agree to listen to the students in every single one of our States who say that they live in fear that they could be killed at their desks, and we could agree to have a serious discussion of what needs to change.

There is no single solution that would have prevented this tragedy, like so many others, but let's have a serious discussion about what needs to change to ensure that warnings reach the right officials and that those officials know what actions to take.

Let's have a serious discussion about gun safety issues, background checks, reasonable limits on high-capacity magazines, and closing loopholes that allow dangerous weapons to get into the wrong hands.

And let's have a serious discussion about what our schools, our teachers, and our students need to stay safe. Whether it is more access to counselors, strong threat assessments, or more resources, we have to find common ground that will keep our schools safe. We cannot stand by when we know that it is only a matter of time before the next school, the next community, is shattered.

For Hana, for Tate, for Justin, for Madisyn, for the students, teachers, and families of Oxford High School, and for every student, teacher, and family in the United States, we must act. The time is now.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The junior Senator from Alaska.

#### TRIBUTE TO BETH BRAGG

Mr. SULLIVAN. Madam President, it is Thursday, and it is usually the day I get to come down to the Senate floor. Usually, the Senate is kind of wrapping up things; we are still pretty busy right now. But it is the day I love to come down to the Senate floor and talk about somebody in my State, the great State of Alaska, who is making a difference either for their community, for their State, for the country; you name it. We call this person the Alaskan of the Week.

We have done it a lot. I usually like to give a little bit of an update. The pages typically really like this time of the week because we get to tell stories about Alaska, about the adventure of Alaska, but also about—typically, a little update about what is happening in the State.

Right now, we are in a bit of a cold snap pretty much throughout the State. We are getting a lot of snow throughout the State. We have seen some record low temperatures all across Alaska, from Homer, King Salmon, Bethel.

Monday in Fairbanks—so this is not even into December yet—it was 26 below zero. They are tough in Fairbanks, very tough. You get down to 50, 60 below in Fairbanks.

My wife is from Fairbanks. She is a wonderful volunteer for this organization called Covenant House. They did their annual "Sleep Out." It is a homeless shelter for teenage youth. This was in Anchorage just a couple of weeks ago. It was 15 below for the "Sleep Out." You get a cardboard box and say: Good luck. So, boy, she is tough.

Alaskans across the State are rugged, tough, individualistic, and we bond all the more for it. We are in it together when it is that cold. And it frequently is. And like one big community, one of the many things that brings us together—actually, one of the many things that brings Americans together—is bonding over sports: local sports, State sports, national sports, and your local newspaper as it relates to sports reporting. It is actually a universal instinct.

One of our most famous Supreme Court Justices, Earl Warren, said it best:

I always turn to the sports section first [in the morning]. The sports page records people's accomplishments. The front page [usually] has nothing but [people's] failures.

I am not sure that is always true, but it is a good anecdote in terms of what binds us with regard to sports.

You know, over the holidays, in particular, everybody in America watches great football, other sports activities. I had a good chat over lunch today with Coach Tuberville about the really incredible Alabama Auburn game that just happened last week.

But sports is also the place in our local papers where we see the names of our children, our loved ones, our neighbors, our friends. In fact, it might just be the only time their names appear in

the paper at all, when you think about it.

So our Alaskan of the Week this week is somebody who knows sports and sportswriting in Alaska better than anybody. We are talking about Beth Bragg, who recently retired after 35 years as a sportswriter for the Anchorage Daily News. She understood all of these attributes about sportswriting better than anybody.

During her 35 years at the paper, Beth always told cub reporters there was one rule they must always follow, no matter what. She said: Even if the person's name is something like Cindy Jones, ask that person for the spelling. It might be the only time their name appears in the paper, and it is very important that name is spelled correctly.

Now, let me talk about Beth, about her reporting and about her work and how it has added to our communities across the great State of Alaska.

Beth grew up in Billings, MT. Her father worked for the Billings Gazette. And she, too, while still in high school, joined the paper as a sports clerk so this is in her blood.

Now, it wasn't so much that she was crazy about sports back then, but it was a job, a good job. And then she said she began, bit by bit, to fall in love with newspapers and sports reporting. She liked the irreverence, the strict deadlines, the energy.

Importantly—and it is almost counterintuitive—covering sports allows more fun in the writing, the opportunity as a writer to take a little bit more in terms of chances and to be more creative than maybe on other beats. And throughout the years, Beth has brought so much of this kind of creativity, so much heart to her stories.

Without looking at a byline in Alaska, you always knew when you were reading a Beth Bragg story. So, in 1986, when she was 27 years old, she came to Alaska to write for the Anchorage Daily News. That is our State's biggest paper. She thought she would stay for a few years, then move on. Her dream was to cover professional sports, maybe even Major League Baseball in a city that has got a Major League Baseball team, but as the years progressed, she stayed in Alaska. She fell in love with Alaska, and her ambitions as a sportswriter changed. But, in some ways, they got even bigger.

She discovered that, in her words, "the real reward, and the real challenge, is to find stories that resonate with everyone. And you don't have to be at the Super Bowl to do that."

In fact, Beth said she found more interesting, more unique stories to cover in Alaska than probably anywhere else.

Now, we don't have big-time professional sports teams in the great State of Alaska, but we do have sports, loads of sports. And just like so much about Alaska, we have expanded the meaning of what it means to partake in sports.

Let's take one very famous sport in Alaska, the Iditarod—the famous 800-

mile sled dog race—as one big example. There is also heli-skiing, ice climbing, curling, and snowboarding. It didn't get its start in Alaska, but it reached its apex in Valdez, for those who participated in that incredible sport.

Beth is likely one of the few, if only, reporters in the country who reported on this incredible sport in Alaska at 3 a.m., seal-skinning. Yes, that is a sport. It goes along with the ear pull and other sports in terms of competition at the World Eskimo Indian Olympics, which are incredible to go to and watch in Alaska—great athletes, by the way.

She covered seal skinning, the competition. At 3 a.m. she was tired, but the excitement and the smell of the seals—first frozen, then thawed for the competition—kept her wide awake.

We may not have professional sports teams, but we certainly have athletic stars galore in Alaska. For 35 years, Beth has written about these stars and some of the toughest athletes anywhere in the world. Let me give you a couple examples.

She wrote about athletes running Mount Marathon. Now, I gave an “Alaskan of the Week” speech several months ago about Mount Marathon. It is what *Outside* magazine calls “the toughest 5K on the planet”—straight up a mountain and straight back down. We always do it on July 4 in Seward.

She wrote about the Alaska Wilderness Classic, the 150-or-so-mile “secret race” up mountains and across rivers in the Alaskan wilderness. Here are the rules of the Alaska Wilderness Classic: No outside support, nothing human-powered, leave no trace, and rescue is up to the racer. Pretty tough. Pretty tough.

She wrote about the Arctic Man, another incredible Alaska event that has been described as one of the world's toughest downhill ski races and an exciting snow machine race, all combined together. You want to see something amazing? Go to the Arctic Man.

She has written about swimming heats and cross-country track and field matches; skiing, lots of stories about skiing in Alaska; ice hockey; high school football; basketball games; and, as I mentioned, the World Eskimo-Indian Olympics, with the ear pull and the blanket toss.

She wrote a great story about a mother and son literally tied by rope together for 2 weeks climbing Denali, North America's tallest peak, in Alaska.

There was a story about a sled dog that was cut loose and ran away from her Iditarod sled dog pack. Miraculously, this dog found her way home to her kennel through mountain ranges and hundreds of miles of tundra in the dead of an Alaskan winter. Pretty amazing.

She wrote a great story about an event I attended this past June, an inspiring USA Patriots-Amputee Softball Team event where almost every player on that team were some of our greatest

American heroes. Almost all of them had lost a limb—all of them had lost a limb, mostly in combat.

Always at the center of Beth's stories are the people, even when those people are sled dogs. She has written about their victories; their struggles; their heart for the game, for their teams, for their communities, for their State, for their country, and for life itself.

Thinking back on her long career, a few events stay with her. She talked a lot about what it was like to watch Alaskans compete in the Olympics, four of which she attended—Olympic Games.

Now, we are a huge State. I talk about that a lot. We have a pretty small population relative to other States—730,000 people. But Alaska is really good in terms of Olympic athletes. We punch way above our weight, sending some of the top American athletes to especially the Winter Olympics but also the Summer Olympics.

Beth remembers, for example, the electricity in the Olympic stadium in Norway in 1994 when a little-known Alaskan named Tommy Moe shocked the world by winning the gold in the downhill and then, 4 days later, a silver, becoming the first American skier ever to win two medals at the same Olympics.

She remembers writing stories about the legendary and beloved cross-country skier from Alaska Kikkan Randall when Kikkan was just 13 years old. Then, like so many Alaskans, Beth swelled with pride and cried when Kikkan Randall won the gold in 2018.

Beth said she also cried just this summer when 17-year-old Lydia Jacoby from Seward, AK, shocked the world by winning the gold medal in Tokyo this summer in the 100-meter breaststroke. Remember that? Seward, AK, doesn't even have an Olympic-size swimming pool. And I will say, Lydia Jacoby is the only person in U.S. history to be Alaskan of the Week in the U.S. Senate twice. That is unbelievable.

Of course, there are heartbreaks, too—the losses, the illnesses, the injuries, and sometimes the deaths—all of which Beth has handled with the utmost sensitivity. Because she was at it for so long and has so much history with Alaskan athletes, she understood something about them that a new reporter might not. It takes a certain kind of grit to be an athlete in Alaska, to wake up at 6 a.m. and head off into the dark, subzero weather to train. It takes a certain kind of grit to travel outside of Alaska for competitions, often thousands of miles away from your home, to get noticed. As Beth said, “You have to work hard to make it big” in Alaska. As a result, she thinks Alaska athletes have a sense of home in a way a lot of other athletes don't.

As I said, Beth recently retired. She is going to clean her home; maybe travel some; of course, watch some sports, as a fan now, not as a reporter. She leaves behind a great legacy, thou-

sands of stories charting some of our State's greatest moments in athletics, times when we all cheered and cried and came together to support the best of our people and competition and grit and determination—the reason Americans across the country love sports so much.

So, Beth, thank you for your great job. Congrats on an incredibly stellar career, and, of course—I am sure one of your biggest honors ever—congratulations on being our Alaskan of the Week.

JOHN KERRY

Madam President, we are working on the NDAA. Is anyone watching what is happening on the Senate floor right now? It has been stalled in terms of amendments, and it has been stalled, reportedly, because of an amendment—a simple amendment that I think the vast majority of Americans would agree on—that Senator RUBIO is trying to get a vote on.

But, as there are with so many stories in the last 6 months, there is something about the climate envoy John Kerry, who keeps coming into different stories, and he is in this story as well. He seems to show up everywhere, always when somebody in this administration is doing something to undermine American interests. There is something about John Kerry.

Let me give you the latest. Senator RUBIO is trying to move forward with regard to an amendment on his bill, the Uyghur Forced Labor Prevention Act. It is essentially a pretty simple bill. Human rights communities agree with it. I think everybody in the Senate agrees with it. It, in essence, just says that we shouldn't be importing solar panels and other products made in China that are produced with forced labor or slave labor. What American wouldn't agree with that? What American wouldn't agree with that? I think every Senator agrees with that. But evidently there is one American who disagrees with that.

Here is an article today from the Free Beacon that talks about senior Biden officials are worried that this bill stopping slave labor products from China coming into America will undermine “the White House's climate agenda” and, unfortunately, “limit solar panel imports from China.”

Presidential climate envoy John Kerry, among others, has been lobbying House members against the bill.

Wow. Wow. That is remarkable. Why would he do that? Why would he do that? Someone needs to ask John Kerry that. That is just one example. Something about John Kerry—always in the mix undermining American interests.

This is an article from the Washington Post just about a month ago: “In advance of climate summit, tension among Biden aides on China policy.” In essence, it said John Kerry was in Beijing—a very dangerous proposition, by the way; you want to talk about selling out American interests—

and he was begging the Chinese to cooperate on climate change, but they said they are not going to commence—I am reading from the Washington Post—cooperation until the United States tones it down on human rights, Hong Kong, Taiwan, and trade.

So the Chinese are saying: Hey, we are not going to do anything on climate, John Kerry, unless you go tell the President to tone it down on Hong Kong, Taiwan, human rights—slave labor, probably. Dutifully, John Kerry came back to DC and delivered the message. It is all in the Washington Post right here, October 25.

To their credit, Jake Sullivan and others were pretty furious, according to this article, about John Kerry undermining U.S. interests. But, hey, there he goes again. Remarkable. I mean, whose side is this guy on?

Let me give you another example. One of the great things that have happened in America over the last two decades is this incredible revolution in terms of American energy. For decades, it has been the bipartisan policy of every administration—pretty much every Senator—for America to become energy independent. Until the Biden administration came into office, we have achieved that. Again, every administration since World War II, Democratic or Republican: Being energy-independent would be good for us.

One of the ways we have done this is this incredible revolution in the production of American natural gas. It has made us the leader in reducing global greenhouse gas emissions in the world, by far. Since 2005 to present, the United States has reduced emissions by almost 15 percent—more than any other major economy in the world. China's emissions have gone like this.

So you would think the export of American LNG all around the world, which is happening, would be great for our workers—it is; great for our national security—it is; and really good for the environment—it is. In fact, we are even exporting to India and China. That will help them reduce emissions. This is a win, win, win, win, win.

So imagine my surprise when I met with foreign officials—I won't name them—who have said to me: John Kerry is telling us in our country, in Asia and in Europe, don't buy American natural gas.

What?

Don't buy American natural gas.

Why?

I don't know.

But there he goes again, undermining U.S. interests, undermining American workers, and, by the way, undermining the global environment on that one. If you don't buy American natural gas, you are going to be producing coal in China.

This is what I have heard.

And then let me give you one more. I came on the floor several months ago, only about 5 months ago, and called for the resignation of John Kerry after the interview of his friend the Foreign

Minister of Iran, the largest state sponsor of terrorism, Foreign Minister Zarif, who was recorded in an interview that was leaked that said John Kerry told him a couple years ago, when Zarif was the Iranian Foreign Minister, about covert Israeli actions against Israeli interests in Syria.

Now, think about that. According to news reports, Zarif is heard saying—and we all heard the video—“It was former US . . . Secretary John Kerry who told me Israel had launched more than 200 attacks on Iranian forces in Syria,” selling out and betraying our biggest ally in the Middle East, Israel.

There is something about John Kerry, and every time that guy goes on a mission, you can be assured that American national security interests are being undermined. So here is a Christmas present I think the whole country would benefit from. For the good of this country, this former Secretary of State, former U.S. Senator, needs to ride off into the sunset in his private jet and retire, or resign, or maybe the President can just fire him. We don't need him to undermine American interests anymore.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. BALDWIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNOCK). Without objection, it is so ordered.

#### VOTE ON MOTION

Ms. BALDWIN. Mr. President, I ask unanimous consent that all remaining time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to discharge.

Ms. BALDWIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BLUNT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mr. HAGERTY), and the Senator from South Dakota (Mr. THUNE).

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 475 Ex.]

#### YEAS—50

Baldwin	Carper	Gillibrand
Bennet	Casey	Hassan
Blumenthal	Coons	Heinrich
Booker	Cortez Masto	Hickenlooper
Brown	Duckworth	Hirono
Cantwell	Durbin	Kaine
Cardin	Feinstein	Kelly

King  
Klobuchar  
Leahy  
Lujan  
Manchin  
Markey  
Menendez  
Merkley  
Murphy  
Murray

Ossoff  
Padilla  
Peters  
Reed  
Rosen  
Sanders  
Schatz  
Schumer  
Shaheen  
Sinema

Smith  
Stabenow  
Tester  
Van Hollen  
Warner  
Warnock  
Warren  
Whitehouse  
Wyden

#### NAYS—47

Blackburn  
Blunt  
Boozman  
Braun  
Burr  
Capito  
Cassidy  
Collins  
Cornyn  
Cotton  
Cramer  
Crapo  
Cruz  
Daines  
Ernst  
Fischer

Graham  
Grassley  
Hawley  
Hoeven  
Hyde-Smith  
Inhofe  
Johnson  
Kennedy  
Lankford  
Lee  
Lummis  
Marshall  
McConnell  
Moran  
Murkowski  
Paul

Portman  
Risch  
Romney  
Rounds  
Rubio  
Sasse  
Scott (FL)  
Scott (SC)  
Shelby  
Sullivan  
Tillis  
Toomey  
Tuberville  
Wicker  
Young

#### NOT VOTING—3

Barrasso Hagerty Thune

The motion was agreed to.

The PRESIDING OFFICER. The nomination is discharged and will be placed on the calendar.

The Senator from New Hampshire.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mrs. SHAHEEN. Mr. President, I also originally planned to come to the floor this afternoon to ask unanimous consent to support the nomination of Mark Gitenstein to be U.S. Ambassador to the European Union.

Mark is a qualified candidate to represent the United States with our most important trade and security relationship. He has already served our Nation as U.S. Ambassador to Romania. He is deeply familiar with the geostrategic needs of our Central and European allies, and he has spent over 25 years working on energy issues. This experience is going to be critically important in responding to Russia's weaponization of gas flows to Europe.

As the United States confronts the challenges around the world, we need to convey our firm commitment to our partners and our alliances.

Now, unfortunately, I am not going to be able to move forward with this unanimous consent request because our colleagues on the other side of the aisle can't seem to muster anyone to come down and object to my unanimous consent request.

It is hard for me to understand why they have an objection to Mr. Gitenstein when they are not even willing to come to object, and we know they are here.

His confirmation would be important to advance our bilateral conversations on shared national security interests, such as this week's dialogue between the United States and the EU on China. But for these conversations to make meaningful progress in addressing our national security interests, we need our diplomats and State Department officials at the table.

I had the privilege of leading a bipartisan delegation to the Halifax Security Forum 2 weeks ago. We had three Republicans and three Democrats.

One of the things we heard from our allies was that there was a real impact by having a lack of ambassadorial confirmations in countries, particularly in our ally countries. In the absence of U.S. representation, they are really questioning our commitment to our bilateral relationship.

In addition to Mr. Gitenstein, there are over 50 other State Department nominees waiting confirmation on the floor.

Now, if our colleagues on the other side of the aisle really shared the concerns about Russia and China's growing malign influence in the world that threatens the values we have fought so hard to advance, they would lift those holds without delay. They would understand that it is important for our national security to have Ambassadors in these critical posts around the world.

I am deeply disappointed that our Republican colleagues have opposed the confirmation of Mr. Gitenstein's appointment to the European Union, and I find it strange that at a time when we should be swiftly confirming our Ambassadors so that we can engage with our allies and address challenges like China and Russia, that what we are hearing from our colleagues on the other side of the aisle is they want to hamstring our national security and play into the hands of our adversaries.

Now, I understand that some of my Republican colleagues have decided to hold up dozens of ambassadorial nominees because of this administration's handling of Nord Stream 2. I don't think I need to remind anybody that I have long been opposed to Nord Stream 2. But this opposition is precisely the reason that we should be appointing an ambassador to the European Union because without an ambassador, we have been absent in critical conversations on sanctions, on trade, on security, and on energy. And without an ambassador, we are limited in our ability to push for further sanctions to address Russian aggression, especially with our European allies.

Without an ambassador, we can't effectively engage our allies. We are actively playing into Putin's hands by creating opportunities to sow division and discord within the transatlantic community.

Partisan politics should end at the water's edge, as it has for decades in the United States. I urge those few Republicans on the other side of the aisle who are holding things up to stop this needless obstruction.

The U.S. is stronger and safer when our diplomatic corps—those individuals who support Americans and U.S. foreign policy around the world—are supported by capable, Senate-vetted, and confirmed Ambassadors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, Parliamentary inquiry. This is impromptu because I wasn't aware of this until the Senator from New Hampshire just spoke.

Is it the case that a Senator making a live UC on the floor to advance a nomination can be blocked from making a live UC by someone who will not even agree to appear on the floor of the Senate?

The PRESIDING OFFICER. It is a courtesy between Senators.

Mr. KAINE. I have learned something new about the Senate rules that I wish I did not know.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, for the record, I would object on behalf of anyone who is not here, and so the question is moot.

If the Democrats really wanted all these nominees to go forward, maybe you should talk to the President about the fact that he caved in on Nord Stream 2 sanctions.

I know the Senator from New Hampshire has been strong on that, but she could have stopped any single bill or nominee going forward by insisting that the President impose Nord Stream 2 sanctions.

Now we are in a situation where all of Western Europe is hooked on German gas and Vladimir Putin is about to invade Ukraine, and the best we can get is stern words.

So, yes, I would object on behalf of any Senator who is not present, and I don't even know what I am objecting to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, just to respond to Senator COTTON—and I know that he shares my view about Nord Stream 2. But I think, sadly, at this point we are in a position where, by refusing to allow our diplomats to be in place, we no longer have an ability to negotiate.

And, in fact, the gas has not started running in Nord Stream 2; the certification of that pipeline has been delayed; and we have a new administration in Germany that we have heard a number of members of that administration express serious reservations about Nord Stream 2.

So I am not sure that right now—given the need for transatlantic unity, the need for us to be able to work with our European allies on whatever Russia might do on Ukraine—is the best time for us to send a signal that we don't really care what the administration is doing on this issue and we don't really care what the Germans say about it, all we care about is making a point on Nord Stream 2, when what we really need to be doing is working together with our European allies because what Putin wants more than anything else is to sow dissension between the United States and our European allies. And, by this action, he is doing exactly that.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, 8 months—for 8 months any Senate Democrat could have stepped forward and demanded the President impose Nord Stream 2 sanctions. For 4 years—for 4 years—we stood together and cast votes—with 85 votes, 90 votes, or 95 votes—in defense of Nord Stream 2 sanctions when the Democrats were discovering their inner Jack Ryan when it came to Russia.

But now that Donald Trump is gone from office and Joe Biden is in office and he is appeasing Vladimir Putin at every turn by extending the New START Treaty and by not imposing sanctions on Nord Stream 2, suddenly the Democrats have reverted back to their old, conciliatory ways toward Russia.

The simplest way to deter invasion of Ukraine, the simplest way to deter Russian aggression is to draw clear red lines of enforcement—something that Joe Biden will not do; something that, apparently, the Democratic Senators will not force him to do.

Mrs. SHAHEEN. Mr. President, I just have to take real umbrage at your suggestion, Senator COTTON.

I am the one who Vladimir Putin refused a visa to get into Russia because of my opposition to Russia and to what Putin was doing. He didn't deny you a visa to get into the country. So don't talk to me about how I have not been tough enough on Russia because that dog won't hunt.

The fact is, during the Trump administration, he spent 4 years before he would sanction Nord Stream 2. Finally, right before he left office, he put sanctions on.

The only reason the western companies that were working on Nord Stream 2 stopped their work is because of the threat of sanctions, not because Trump did anything to enforce those sanctions.

So there is plenty of blame to go around, and it doesn't help for you or me or anybody else to start throwing personal insults over what is going on around Nord Stream 2.

Mr. COTTON. Mr. President, I did not make any personal insult. I simply observed that, for 4 years under the Trump administration, we repeatedly took action on a bipartisan basis to try to stop Nord Stream 2.

One of the reasons we didn't have a vote on amendments last week on the Defense bill is because the Democrats were carrying water for the Biden administration, refusing to have a vote on Nord Stream 2. And that is consistent with the Biden administration's record on Russia, which can get all chesty in its rhetoric but always appeases Vladimir Putin.

One of the first actions he took was to give a no-strings-attached extension to the New START Treaty, something that Donald Trump never did—the very first priority of Vladimir Putin.

The second priority was Nord Stream 2. We have been trying to have votes in

this Senate all year long, and we haven't had them because the Democrats won't insist on a vote because Joe Biden doesn't want it.

The PRESIDING OFFICER (Mr. KAINE). The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—S. 3299

Mr. LANKFORD. Mr. President, we have a problem in our Air National Guard right now.

This body knows full well where I have been on vaccine mandates coming down from the President. I have adamantly opposed the vaccine mandates on private-sector employees, which I find absurd that the President is announcing to every company with 100 people or more: I am going to take over the contracts for employment in your company; and no matter how long that employee has been there and how valuable they are to the company, you need to fire them if they don't follow the vaccine mandate.

That is not the right of a President. It has formed chaos in our Federal workers. It has formed chaos in our contractors for Federal employees.

Now, let me tell you what is happening in the National Guard right now. Tuesday of this week, November 30, the Secretary of Defense sent out a letter saying that, by today, December 2, every person in the National Guard had to be vaccinated or they would no longer be paid.

Now, that applied to the Air National Guard as of today; but to the Army National Guard, that doesn't apply until June 30. Let me run this past this body again. If you are in the Air National Guard and you are not vaccinated by today, you won't be paid anymore. You also can't show up at drill this weekend. You can't go into any training at all, as of this weekend. But if you are in the Army National Guard, you have until June 30 to be able to fulfill this mandate.

Now, I have been clear I am adamantly opposed to the mandate, period. But to then make it unequal between the Air National Guard and the Army National Guard is even worse.

And on top of all of that, what the administration did as of this week—they sent out information for the Air National Guard members and, I assume, for the Army National Guard starting in June that this is going to be a different process.

Title 32 is the authority for the National Guard. Now, for folks who aren't following this or the folks in this body who do, some people get confused between the Reserves and the Guard. They are not the same. The Reserves are like Active Duty. The Guard actually work for the Governor of each State.

Each State has accountability for the Guard members, and there is a responsibility to make sure they are trained and ready and equipped for Federal service if they are called up for Federal service. But when they are under what is called title 32 authority, they work for the Governor of the State. If a unit

is not prepared, the State is punished for their lack of preparation. So funds can be taken away from the State but not going down to individual members of the Guard.

What did the Pentagon do this week?

The Pentagon, this week, announced that not only are they not going to pay individual members, but they are literally reaching down into a unit, identifying members that have not received the vaccine, and they are not going to pay that person.

There is no authority in law for the Pentagon to do that. In fact, that issue was debated in this body several years ago, and this body voted no on that. The Pentagon does not have the authority to reach into the Governor's National Guard and determine who will be paid and who will not be paid in the National Guard, but that is exactly what the President is trying to do and what the Pentagon is trying to do.

Why is this a big issue?

Because the Air National Guard, as of tomorrow, that are not vaccinated will not be paid, and this weekend they cannot go to drill.

Why is that a big issue?

Many of the folks in the Air National Guard that are not vaccinated are the pilots.

Listen, if we are going to talk about military readiness, I understand the differences of opinion here in the vaccine mandates. And some people have no issue with the vaccine mandates. I do. But we should all agree on military readiness. We should all agree on following the law and not allowing the Pentagon and the President to deliberately violate the law that we wrote and the President has signed in violating title 32.

Last night, I was on this very same floor, at this very same desk, asking for amendment on the NDAA. Today, I understand I am not getting that amendment on the NDAA. I have taken that same amendment and I have moved it into language that we can use as a standalone bill.

This is a very simple, straightforward, no issues, no ancillary anything on the bill. It simply says that we cannot allow the administration or the Pentagon—any one of them—to violate the law, to be able to reach into a National Guard unit and identify individual members and not pay them.

That is already the law. We are just affirming the law that already is.

And the second thing is not allowing them to be able to cut off pay based on their vaccination status in the National Guard when they are in title 32 status. That means they are working for the Governor of that State; they have not been activated to Federal duty.

This is a big issue, and it is a big issue right now because the Air National Guard members and many of our pilots are about to stop training right now. And in the days ahead for the Army National Guard, I remind this body of a number that most of us

know. Only 40 percent of our Guard members are vaccinated, meaning 60 percent are not.

Are we really ready to lose that much readiness over this issue?

I would hope not.

So, as if in legislative session, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 174, S. 3299. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. REED. Mr. President, reserving my right to object, the Senator from Oklahoma, as he always does, has very thoughtfully identified a problem that is affecting our military forces. And he has also identified the complex interplay between different aspects of the law: article 32, article 10, the authority of the Governor, the authority of the Secretary of Defense, legislation we might have passed.

This is an issue that, I think, bears close scrutiny, and I would like to assist in such scrutiny. But in terms of preemptively adopting a statute tonight without such scrutiny, I would be compelled to object.

So, Mr. President, with all due respect to the Senator from Oklahoma, I would object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I look forward to working with Senator REED on this. He has been a good partner dealing with this. He is passionate about protecting our military and keeping our forces ready.

I very much appreciate his partnership in that, and I look forward to our ongoing dialogue on this. I have had multiple phone calls to leadership in the Pentagon and leadership in the National Guard. I am not getting clear answers on this.

As I have tried to be an advocate for the members of our Air National Guard, I want to be able to make sure that we provide them that opportunity to be able to serve and that we don't lose access to readiness. So I very much appreciate his partnership in that.

#### GOVERNMENT FUNDING

Mr. President, it is my understanding that in a short period of time we will be voting on the continuing resolution.

The continuing resolution has now been passed in the House. It has been delivered over to the Senate. This maintains our government operations for the next 2 months.

I have been a person who has expressed my frustration that we have not taken up the vast majority of the appropriations bills, even in committee. It is my understanding that even as of today, 9 of the 12 appropriations bills have not even been discussed in committee, and all 12 of those bills

should have been done by September 30. We are now well past that now.

On September 30, we passed a continuing resolution that went until tomorrow. Now we are passing another one that is going to go into February. As I read through it, as it just came over from the House of Representatives, and was scanning quickly through it when they actually released the language in it this morning, I was interested to be able to see a couple of things that popped out to me in particular, serving on the Homeland Security Committee. Serving that position in Homeland Security and some of the issues that we deal with on a day-to-day basis on oversight, I was fascinated to see two particular areas that popped out to me in this. One of them was dealing with unaccompanied minors.

The administration earlier this year took some of the COVID money that had been allocated in March and used that COVID money to deal with unaccompanied minors. We have yet to get a full accounting of how much that was. But then when the continuing resolution was passed just September 30, 2.5 billion with a "b"—2.5 billion additional dollars were allocated just to deal with the surge of unaccompanied minors for this year.

Well, that was a few months ago now. This continuing resolution is allocating another \$1.5 billion to unaccompanied minors. So they took we don't know how much money of the COVID money for unaccompanied minors, and then if this bill passes tonight, which I assume it will at this point, it is another \$4 billion just on the unaccompanied minors. Let me remind you how large of a figure that is, an additional \$4 billion.

Before we lose track of that, what jumped out at me first when I went through this was a surprising number. In the continuing resolution that just came over from the House just minutes ago, there is a request for an additional \$7 billion for Afghan refugees. When you say "OK, I understand," in the September 30 continuing resolution, there was \$6 billion for Afghan refugees over there. That is \$13 billion for Afghan refugees. The best that we can tell, we have 69,000 Afghan refugees who are in the process, and we are allocating \$13 billion for it.

Now, we all thought—and we had the conversation here—that \$6 billion that was allocated was an enormous amount of money that was allocated, but now, 3 months after the refugees started being able to move out of Afghanistan in that debacle of a withdrawal that happened, now we are talking about not \$6 billion but \$13 billion. That is around \$200,000 per person so far.

If that was not bad enough, in the continuing resolution done September 30, because of the enormous size of this amount of money and because of how little information has actually come to this body, there was a demand in it that by November 30—that was 2 days ago—the Department of Homeland Se-

curity would have to turn over a report of actually what is happening with the Afghan refugees. Has anyone in this body read that report from DHS now on how they are handling the Afghan refugees? I would go ahead and preemptively answer no because none of us have seen the report yet.

Here is what we don't know but yet this body demanded in the last CR to be able to get from DHS. We demanded to know crazy things like this: the number of lawful U.S. permanent residents who were evacuated out of Afghanistan. We don't have that number yet. We don't know how many were special immigrant visa holders. We don't know how many were actually applicants for special immigrant visas. We don't know the number that had any other immigrant status. We don't know the number who actually worked for our government who were actually evacuated. We have not been told although we demanded to have it by November 30.

We don't know the number of people who work for a partner government or any other entity that we were affiliated with although we asked for that. We don't know the number of people who actually came through the process and then were later determined to be security threats to the United States and had slipped through the process. We asked for that. We asked for that to come in by November 30. That has not been turned over.

We asked for the number of people who were getting paroled and their parole was then terminated because of some other criminal activity or something else. We asked for that. That is a number they have. They have not turned that number over.

We asked for even the number of interviews that had been conducted. We have yet to receive that. In fact, there has not been a single public hearing in the Senate on Afghan refugees—not one. So not only have we not received anything in writing, we have not even received any testimony from anyone from DHS on this.

Listen, we gave DHS \$6 billion and said: We are going to allocate this money to you. We just want to know who we are allocating it to and what it is going to be used for.

That doesn't seem unreasonable. But not only is this body not holding DHS accountable for not answering our questions, we are handing them \$7 billion more tonight. Does anyone else see this as an issue?

I am all for keeping the government open, but this body has a responsibility of oversight. We have pretended we are doing oversight, but we are actually not doing oversight—not a hearing, not a report, nothing. Thirteen billion dollars.

So, yes, I am going to oppose the CR tonight. I am not holding up the vote. I understand full well the responsibility of all 100 of us to put ourselves on the record. But if we are going to actually say we are going to do oversight, let's actually do oversight.

It is not unreasonable, when we all agree these are the facts and figures that should come from DHS to just tell us what is going on with the Afghan refugees, that we actually expect they are going to turn those things over.

So in the days ahead, I hope we will actually hold a hearing and actually get the facts. I hope we will actually demand that they turn over to us what we have required, and I hope we get a full accounting of how they are spending \$13 billion on what we understand were 69,000 people, most of whom have not even been moved in and across the United States yet—\$13 billion.

With that, I yield floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### EXECUTIVE CALENDAR

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the Senate consider the following nomination: Executive Calendar No. 438, C.B. Sullenberger III, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

The PRESIDING OFFICER. There being no objection, the clerk will report.

The senior assistant legislative clerk read the nomination of C.B. Sullenberger III, of Texas, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

Thereupon, the Senate proceeded to consider the nomination.

Ms. DUCKWORTH. I ask unanimous consent that the Senate vote on the nomination without intervening action or debate and that if confirmed, the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Sullenberger nomination?

The nomination was confirmed.

Ms. DUCKWORTH. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### GOVERNMENT FUNDING

Mr. LEAHY. Mr. President, it is my hope that soon the Senate might be able to vote on a bipartisan agreement to keep the government open and funded through February 18.

I know both parties are working on that agreement right now. I wish those who are doing it good luck. I have certainly been working hard with the Appropriations Committee to help on that as have others. In fact, the only thing